

THE

THE PUBLIC GENERAL STATUTES, 1886-7.  
**PUBLIC GENERAL STATUTES.**

50 VICT. SESS. 2

AND

50 & 51 VICTORIÆ, 1886-7.

---

STATUTES OF PRACTICAL IMPORTANCE ONLY ARE SET OUT AT LENGTH.

---

LONDON: 27, CHANCERY LANE, W.C.

—  
1887.

THE

# PUBLIC GENERAL STATUTES

50 VICT 2125 2

1887

50 & 41 VICTORIA 1887-8

STATED BY THE HOUSE OF COMMONS IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED EIGHTY SEVEN

PRINTED BY THE STATIONER GENERAL

[Solidator  
Sept

An Act  
solidat  
ending  
thousa  
one th  
eight.

An Act  
the Di

An Act  
Courts  
tain ex

Where  
construct  
Courts A  
County C  
with res  
officers o  
courts, a  
Be it th

1. Sher  
County C

2. Am  
of s. 14 of  
two of th  
fourteen  
"and in  
number o  
be fixed"  
which th  
six thous  
from tim

3. Am  
Where in  
Act, 1856  
dent to th  
words "  
jurisdiction  
courts, or  
thereof.

An Act  
chant

Be it e

1. Sher  
cited as  
Act, 1887

This A  
Merchant  
& 47 Vic  
principal  
dated tog  
Beata) A

# THE PUBLIC GENERAL STATUTES, 1886-7.

50 VICT. SESS. 2 AND 50 & 51 VICTORIE.

[STATUTES OF PRACTICAL IMPORTANCE ONLY ARE SET OUT AT LENGTH.]

## CAP. I.

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March one thousand eight hundred and eighty-seven and one thousand eight hundred and eighty-eight.  
[29th March 1887.]

## CAP. II.

An Act to provide, during twelve months, for the Discipline and Regulation of the Army.  
[28th April 1887.]

## CAP. III.

An Act to amend the Acts relating to County Courts so far as regards the payment of certain expenses connected with County Courts.  
[28th April 1887.]

Whereas doubts have arisen with respect to the construction of certain provisions of the County Courts Act, 1856 [19 & 20 Vict. c. 108], and the County Courts Act, 1866 [29 & 30 Vict. c. 14], with respect to the payment of the expenses of officers and other expenses connected with county courts, and it is expedient to remove such doubts; Be it therefore enacted, &c.:

1. *Short title.* This Act may be cited as the County Courts (Expenses) Act, 1887.

2. *Amendment of s. 82 of 19 & 20 Vict. c. 108, and of s. 14 of 29 Vict. c. 14.* Where in section eighty-two of the County Courts Act, 1856, or in section fourteen of the County Courts Act, 1866, the words "and in the courts in which the plaintiffs exceed the number of six thousand the amount of salary shall be fixed" occur, the words "and in any court in which the plaintiffs shall at any time have exceeded six thousand the amount of salary shall be fixed from time to time" shall be read in lieu thereof.

3. *Amendment of s. 85 of 19 & 20 Vict. c. 108.* Where in section eighty-five of the County Courts Act, 1856, the words "and all other expenses incident to the holding of the said courts" occur, the words "and all other expenses arising out of any jurisdiction now or hereafter conferred on such courts, or any officer thereof," shall be read in lieu thereof.

## CAP. IV.

An Act to amend the provisions of the Merchant Shipping (Fishing Boats) Acts.

[26th April 1887.]

Be it enacted, &c.:

1. *Short title and construction.* This Act may be cited as the Merchant Shipping (Fishing Boats) Act, 1887.

This Act shall be construed as one with the Merchant Shipping (Fishing Boats) Act, 1883 [46 & 47 Vict. c. 41], in this Act referred to as the principal Act, and that Act and this Act may be cited together as the Merchant Shipping (Fishing Boats) Acts, 1883 and 1887.

2. *Tonnage of steam trawlers.* For the purposes of the principal Act and this Act, in their application to steam trawlers, expressions referring to register tonnage shall be construed as referring to gross tonnage.

3. *Power to exempt fishing boats from ss. 19, 21, of 46 & 47 Vict. c. 41.* The Board of Trade may, in any cases in which they think fit, and subject to such conditions and requirements as in their opinion may be necessary, exempt owners and skippers of fishing boats from the provisions of sections nineteen and twenty-one of the principal Act.

4. *Extension to skippers of certain provisions of 46 & 47 Vict. c. 41, relating to seamen.* The provisions relating to seamen contained in sections twenty-four, twenty-five, twenty-eight (sub-sections one, two, three, eight, and nine), thirty-three, thirty-four, and thirty-five of the principal Act shall apply to skippers in like manner and to the same extent as they apply to seamen, and skippers shall be entitled to the same rights and privileges, and be subject to the same duties, liabilities, and penalties, in all respects, as, by those enactments are conferred or imposed upon seamen:

Provided that any notice given by a skipper under section thirty-three of the principal Act shall be given to the owner of the boat or the owner's agent.

5. *Provisions of 46 & 47 Vict. c. 41, ss. 46, 47, to apply to disputes between skippers and owners, and as to provisions.* (1.) The provisions of sections forty-six and forty-seven of the principal Act relating to certain disputes shall apply to disputes between skippers and owners in like manner, and to the same extent, as they apply to disputes between skippers or owners and seamen; and shall also apply to any dispute respecting the cost, quantity, or quality of provisions supplied to the crew.

(2.) Any decision of a superintendent of a mercantile marine office under those sections or this section shall be enforced by any justice of the peace within whose jurisdiction the person or goods of anyone against whom the decision is given may be found, in the same manner as if such decision were an order made by justices in the exercise of their summary jurisdiction.

6. *Accounts to be rendered by owners to crews paid by share.* (1.) Where a skipper or any other member of the crew of a fishing boat is paid by a share in the catch, the owner of the fishing boat shall render to him a full and true account, in a form sanctioned by the Board of Trade, showing in detail the amounts for which the fish have been sold, and all deductions made from those amounts and chargeable in any respect to the men who are paid by share, either in respect of stores supplied to the fishing boat, or provisions furnished to the crew, or otherwise.

(2.) If any owner makes default in compliance with the requirements of this section he shall, for each default, incur a penalty not exceeding five pounds.

7. *Certificates of service to be issued to second hands until 1st July, 1888.* (1.) Every person who has, before the first day of July one thousand eight hundred and eighty-eight, served as second hand on a trawler of twenty-five tons register tonnage and upwards, or on such other fishing boats as the Board of Trade may think have afforded the person sufficient experience, for a period amounting in all to not less than twelve months, shall be entitled to a certificate of service as second hand of a fishing boat.

(2.) Every such certificate shall apply in the same manner, and shall be subject to the same conditions, and shall contain the same particulars as certificates of service issued under section forty of the principal Act.

8. *No trawler above 25 tons to go to sea without certificated second hand.* (1.) After the first day of July one thousand eight hundred and eighty-eight, a trawler of twenty-five tons register tonnage or upwards shall not go to sea from any port in the United Kingdom unless the second hand (as well as the skipper) thereof is the holder of a certificate of competency or service entitling him under the principal Act or this Act to act as second hand of the trawler.

(2.) If any such trawler goes to sea contrary to this section the owner thereof shall incur for each such offence a penalty not exceeding twenty pounds.

(3.) Every person who, except in case of necessity,—

(a.) Having been engaged to serve as second hand of any such trawler, and not being the holder of a certificate entitling him under the principal Act to act as second hand of the trawler, serves as such second hand; or,

(b.) Employs any person as second hand of any such trawler without having ascertained that he is the holder of a certificate entitling him under the principal Act or this Act to act in that capacity;

shall for each such offence incur a penalty not exceeding twenty pounds.

9. *In case of absence of skipper, second hand may be authorized to act.* Where a skipper of a fishing boat is absent from his boat the superintendent of a mercantile marine office may, on the request of the owner of the boat, and on being satisfied that the absence is due to an unavoidable cause, authorize the second hand of the boat to act, for a period not exceeding one month, as the skipper of the boat during the skipper's absence.

10. *Regulations respecting consequences of default from trawlers.* (1.) The Board of Trade, on the application of any owner or owners of a fleet of fishing vessels, or of any association of owners of fishing vessels, or of any person or persons having the charge or command of a fleet of fishing vessels, or without such application if the person or body of persons entitled to make the application shall after request by the Board of Trade to do so, may from time to time make, rescind, and vary such regulations



tions respecting the conveyance of fish from trawlers to vessels engaged in collecting and carrying fish to ports, as may appear to the Board to be expedient for the purpose of preventing loss of life, or danger to life or limb.

(2.) All regulations made by the Board of Trade under this section shall be laid for thirty days before both Houses of Parliament while in session, and if either House within that period resolves that the whole or any part of any such regulations ought not to be in force, the same shall not have any force, without prejudice, nevertheless, to the making of any other regulation in its place. Subject to any such resolution, all regulations so made shall come into force at the expiration of the thirty days aforesaid.

(3.) All regulations made by the Board of Trade under this section shall, whilst in force, have effect as if they were enacted in this Act.

(4.) If any person to whom any regulation under this section for the time being applies makes default in compliance therewith he shall, for each default, incur a penalty not exceeding ten pounds.

11. *Fees payable on engagements and discharges.* The Board of Trade may from time to time prescribe the fees to be payable upon engagements or discharges of members of the crews of fishing boats when effected before the superintendent of a mercantile marine office; and the superintendents, their deputies, clerks, and servants may refuse to proceed with any such engagement or discharge unless the fee payable thereon has first been paid. All fees so paid shall be carried to the credit of the Mercantile Marine Fund.

12. *Power to hold inquiries in cases of loss of life from boats of fishing vessels.* (1.) Whenever loss of life arises by reason of any casualty happening to or on board any boat belonging to a fishing vessel, the Board of Trade may, if they think fit, cause an inquiry to be made or formal investigation to be held respecting the casualty, and all the provisions of the Merchant Shipping Acts, and of the Shipping Casualties Investigations Act, 1879 [42 & 43 Vict. c. 72], shall apply to any such inquiry or investigation, as if it had been made or held under the eighth part of the Merchant Shipping Act, 1854 [17 & 18 Vict. c. 104].

(2.) This section shall extend to Scotland.

13. *Extent of Act.* This Act shall not, except as expressly provided, extend to Scotland.

#### CAP. V.

An Act to amend the law respecting the Customs Duties of the Isle of Man.

[28th April 1887.]

#### CAP. VI.

An Act to amend the Supreme Court of Judicature Act (Ireland), 1877. [23rd May 1887.]

#### CAP. VII.

An Act to amend the Customs Consolidation Act, 1876. [23rd May 1887.]

Whereas it is right and expedient that the proviso herein-after contained should be added to the one hundred and seventy-ninth section of the

Customs Consolidation Act, 1876 [39 & 40 Vict. c. 36]:

Be it therefore enacted, &c.:

1. *Amendment of s. 179 of Customs Consolidation Act, 1876.* The words following shall be added to the said section, and shall be taken and read as part of the same, viz.:—"And provided also, that no person shall be liable to conviction under this section unless there shall be reasonable cause to believe that such person was concerned in, or privy to, the illegal act or thing proved to have been committed."

2. *Short title.* This Act may be cited as the Customs Consolidation Act, 1876, Amendment Act, 1887.

#### CAP. VIII.

An Act to amend the Incumbents of Benefices Loans Extension Act, 1886. [23rd May 1887.]

Whereas it is expedient to amend the Incumbents of Benefices Loans Extension Act, 1886:

Be it therefore enacted, &c.:

1. *Short title.* This Act may be cited for all purposes as the Incumbents of Benefices Loans Extension Act, 1886, Amendment Act, 1887; and this Act and the Incumbents of Benefices Loans Extension Act, 1886 (herein-after referred to as the principal Act), may be cited together as the Incumbents of Benefices Loans Extension Acts, 1886-87.

2. *Amendment of 49 & 50 Vict. c. 34, s. 1.* In section one of the principal Act the words "by extending such term for any period not exceeding twenty years from the yearly period next before the date of the resolution to be passed in respect of such benefice, to be accompanied by a corresponding reduction of the amount of the annual instalment of principal and interest," shall be read and have effect as if the following words had been inserted in lieu thereof; that is to say, "by extending such term for any period not exceeding twenty years, so that by such extension the amount of the annual instalments payable in respect of the loan shall be reduced as from the day of the annual payment due next before the date of the resolution to be passed in respect of such benefice"; and such extension may be granted notwithstanding the original term may have been before extended. Provided that the whole term of the two extensions shall not exceed in any case twenty years. And in the case of any extension of the time for the payment of instalments the term of years for which the possession of the benefice are mortgaged shall be enlarged to the like extent.

#### CAP. IX.

An Act to remove the Disabilities of the Police to vote at Parliamentary Elections. [23rd May 1887.]

Whereas it is inexpedient that any person otherwise entitled to be registered as a voter should be incapacitated to vote at parliamentary elections by reason of his being employed in or in connexion with the police.

Be it therefore enacted, &c.:

1. *Repeal.* The enactments mentioned in the

#### SCHEDULE.

#### PART I.—ENGLAND AND WALES.

Section and Chapter.	Title.
10 Geo. 4, c. 44.	An Act to improve the Police in and near the Metropolis.
2 & 3 Vict. c. 95.	An Act for the establishment of County and District Constables by the authority of Justices of the Peace.
2 & 3 Vict. c. xiv. (Private.)	An Act for regulating the Police in the City of London.

Section and Chapter.	Title.	Extent of Repeal.
Section eighteen, the words "shall, during the time that he shall continue in any such office or within six calendar months after he shall have quitted the same, be capable of giving his vote for the election of a member for the counties of Middlesex, Surrey, Hertford, Essex, or Kent, or for any city or borough within the Metropolis or Police District, nor."		
Section nine, "be capable of giving his vote for the election of a member to serve in Parliament for the county in which he is so appointed, or for any county adjoining thereto, or for any city or borough within any of the said counties, nor shall any such constable."		
Section eight, "be capable of giving his vote for the election of a member to serve in Parliament for the city of London, or for the counties of Middlesex, Surrey, Hertford, Essex, or Kent, or for any city or borough within the Metropolis or Police District, nor shall."		

schedule to this Act are hereby repealed to the extent mentioned in the third column of the said schedule.

2. *Constable on duty to be entitled to vote at any polling station.* Where a constable is or is likely to be on the day of any election, sent or employed in the discharge of his duty so as to prevent him voting at the polling booth or station at which he would otherwise be entitled by law to vote, the following enactments shall have effect:—

(1.) Such constable may, at any time within seven days before the election, apply to the chief constable for a certificate, and the chief constable shall thereupon give a certificate under his hand, stating the name of the constable, his number in the police force, his number and description on the register of voters, and the fact that he is so sent or employed;

(2.) The presiding officer at any polling booth or station shall, on production by such constable of the said certificate, allow him to vote at that booth or station, and shall forthwith cancel the said certificate, and deal with the same in like manner as the counterfoils of voting papers are directed by law to be dealt with;

(3.) No such constable shall, under this section, be entitled to vote at any election at which he would not, but for this section, be entitled to vote, nor more than once in any election, and if he so votes, or attempts to vote, he shall be subject to all the penalties imposed by law on a person personating or attempting to personate a voter at such election;

(4.) In this section—

(a.) "Constable" includes any person belonging to a police force;

(b.) "Chief constable" includes an assistant chief constable, a commissioner or assistant commissioner of police, a head constable, and any other person for the time being in command of a police force, or acting in that capacity;

(c.) "Register of voters" has the same meaning as in the Ballot Act, 1872 [35 & 36 Vict. c. 33].

3. *Registration in case of temporary absence of police officer on duty.* A person otherwise entitled to be registered as a voter at parliamentary elections in respect of the occupation of a dwelling-house shall be deemed an inhabitant occupier thereof as tenant notwithstanding his temporary absence therefrom in the execution of duty as a police officer during a part of the qualifying period, not exceeding four consecutive months.

4. *Amendment of section 9 of 19 & 20 Vict. c. 2.* Section nine of the Act, nineteen and twenty Victoria, chapter two, shall be read and construed as if for the word "therein," were substituted the words "in certain elections of members to serve in Parliament."

5. *Saving as to section 8 of 17 & 18 Vict. c. 104.* Provided always, that this Act shall not operate to extend the benefit of the eighth section of the Corrupt Practices Prevention Act, 1854, to any person becoming entitled to vote by virtue of this Act.

6. *Short title.* This Act may be cited as the Police Disabilities Removal Act, 1887.



Session and Chapter.	Title.	Extent of Repeal.
19 & 20 Vict. c. 2.	An Act to amend the Acts relating to the Metropolitan Police.	Section nine, the words "or voting in certain elections of members to serve in Parliament."
19 & 20 Vict. c. 69.	An Act to render more effectual the Police in Counties and Boroughs in England and Wales.	Section nine, the words "or for the election of a member to serve in Parliament for such borough, or any county in or to which such borough is situate either wholly or in part or adjoins, or for any borough within such county."
23 & 24 Vict. c. 135.	An Act for the employment of the Metropolitan Police Force in Her Majesty's Yards and Military Stations.	Section five, the words, "be capable of giving his vote for the election of a member to serve in Parliament for any county, or division of a county, or city, borough, or place in which, or in any part of which, he may be authorised to act under the provisions herein contained, or."
20 & 21 Vict. c. 72.	An Act to render more effectual the Police in Counties and Burghs in Scotland.	Section seventeen, the words "be capable of giving his vote for the election of a member to serve in Parliament for the county in which he is so appointed, or in any part thereof, or for any county adjoining thereto, or for any Royal or Parliamentary borough or town within any of the said counties, nor shall any such constable."

PART II.—SCOTLAND.

CAP. X.

An Act to enable His Royal Highness the Duke of Connaught to return to England for a limited time for the purpose of being present at the celebration of Her Majesty's Jubilee without thereby resigning his command in Bombay. [23rd May 1887.]

CAP. XI.

An Act for giving facilities for the conversion of India Four per Cent. Stock into India Three and a half per Cent. Stock, and for other purposes relating thereto. [23rd May 1887.]

Whereas, in accordance with the conditions under which India Four per Cent. Stock has been issued, the Secretary of State in Council of India has power to give notice of his intention to redeem that stock at par on the tenth day of October one thousand eight hundred and eighty-eight:

And whereas the said Secretary of State has offered to holders of India Four per Cent. Stock, in exchange for such stock and in lieu of repayment in cash, a like amount of India Three and a half per Cent. Stock, bearing interest from the fifth day of July one thousand eight hundred and eighty-seven, together with the payment on the sixth day of July one thousand eight hundred and eighty-seven of one pound twelve shillings and sixpence per cent. on the amount of stock exchanged, to be treated as interest so as to make up a sum equal to interest thereon at the rate of four pounds per cent. per annum to the tenth day of October one thousand eight hundred and eighty-eight:

Be it therefore enacted, &c.:

1. *Short title.* This Act may be cited as the Conversion of India Stock Act, 1887.

2. *Power of holders, trustees, &c., in relation to exchange of India Four per Cent. Stock for India Three and a half per Cent. Stock.* Where any India Four per Cent. Stock is standing in the name of any person, such person (in this section referred to as the holder) may, with the consent of the Secretary of State, exchange such stock or any part thereof for India Three and a half per Cent. Stock: Provided that when the consent of any person other than the holder is required for a change of investment by such holder, such consent shall be required for the purpose of an exchange in pursuance of this section; and when the holder is a trustee and has not power under the terms of his trust to vary investments, the consent either of any person interested in the stock, or when any such person is an infant or a person of unsound mind the consent of his guardian or guardians or of the committee of his estate or curator bonis (as the case may be), or the consent of a judge of the High Court of Justice in England and Ireland, or in Scotland a judge of the Court of Session, shall be required for the purpose of an exchange in pursuance of this section; and when the holder in a joint account is an infant, or a person of unsound mind, or is under any other disability, or is beyond the seas, the other holders or holder may, with the consent of a judge of the High Court of Justice in England and Ireland, or in Scotland a judge of the Court of Session, exchange in pursuance of this section such stock or any part thereof for India Three and a half per Cent. Stock; and such consents having been obtained, holders shall not be liable for any loss resulting from any exchange in pursuance of this section. Subject to rules of court, any jurisdiction given by this Act to a judge of the High Court of Justice shall be exercised by a judge of the Chancery Division.

3. *Powers of investment.* A power, whether subject or not to any restrictions or conditions, to invest in India Four per Cent. Stock shall extend to authorise an investment, subject to the same conditions and restrictions (if any), in India Three and a half per Cent. Stock.

4. *Stock taken in exchange to be held subject to same provisions as former stock.* Where stock is exchanged under this Act, the stock taken in exchange, and the interest thereon, shall be subject to the same trusts, charges, rights, distinctions, and restraints as affect the stock cancelled on the exchange, and the interest thereon respectively.

5. *Powers of attorney for sale and transfer of India Four per Cent. Stock to apply to India Three and a half per Cent. Stock.* Every power of attorney in force for the sale and transfer of any India Four per Cent. Stock shall, unless it be legally revoked or become void, remain in force for the purpose of enabling the attorney or attorneys therein named or referred to to receive and give receipts for the money which will become payable for the redemption of any principal sum of such India Four per Cent. Stock, and to sell and transfer any India Three and a half per Cent. Stock that may be accepted in exchange for such India Four per Cent. Stock, or into which such India Four per Cent. Stock may be converted, and to receive the consideration money and give receipts for the same.

6. *Powers of attorney for receipt of dividends on India Four per Cent. Stock to apply to India Three and a half per Cent. Stock.* Every power of attorney in force for the receipt of dividends on any India Four per Cent. Stock shall, unless it be legally revoked or become void, remain in force for the purpose of enabling the attorney or attorneys therein named or referred to to receive the dividends to accrue on India Three and a half per Cent. Stock, and also to receive the said payment of one pound twelve shillings and sixpence per cent. on India Four per Cent. Stock which will become payable on the sixth day of July one thousand eight hundred and eighty-seven.

7. *Requests for post dividend warrants in respect of India Four per Cent. Stock to apply to India Three and a half per Cent. Stock.* Every request for the transmission of dividend warrants by post relating

to India Four per Cent. Stock in force at the time of the passing of this Act, or which may hereafter be made in pursuance of the Act of the thirty-fourth and thirty-fifth Victoria, chapter twenty-nine, shall, unless it be legally revoked or become void, extend and apply to India Three and a half per Cent. Stock as if the Stock mentioned in such request were therein described as India Three and a half per Cent. Stock.

8. *Power to exchange stock up to £1,000 value standing in name of infant or of person of unsound mind.* Where the holder of India Four per Cent. Stock to the amount of one thousand pounds nominal value or less is an infant or a person of unsound mind, and no steps are taken on or before the first day of July one thousand eight hundred and eighty-seven for the exchange of such stock for India Three and a half per Cent. Stock, such exchange shall be made, notwithstanding that no consent may have been given by his guardian or guardians, or by the committee of his estate or curator bonis (as the case may be). For the purpose of effecting such exchange the Bank shall, by the direction of the Secretary of State, cancel in their books as from the first day of July one thousand eight hundred and eighty-seven the amount to be exchanged of India Four per Cent. Stock standing in the name of any such holder, and shall inscribe in their books in the name of such holder the amount of India Three and a half per Cent. Stock to be given in exchange for the India Four per Cent. Stock so cancelled. The Secretary of State may provide as to the evidence of title, unsoundness of mind, or other matter which the Bank may require. A direction from the Secretary of State shall be a sufficient authority for anything done by the Bank in pursuance of such direction for the purposes of this section.

9. *Definitions.* In this Act,—

"The Secretary of State" means the Secretary of State in Council of India.

"The Bank" means the Governor and Company of the Bank of England, or the Governor and Company of the Bank of Ireland, as the case may be, and includes their successors.

"Person" includes a body of persons, corporate or unincorporate.

CAP. XII.

An Act to amend the Bishopric of Truro Act, 1876, and the Truro Chapter Act, 1873. [3th July 1887.]

CAP. XIII.

An Act to extend, in certain cases, the provisions of the Superannuation Act, 1839, and to extend and otherwise amend the provisions of the Colonial Governors (Pensions) Acts, 1865 and 1872. [3th July 1887.]

Be it enacted, &c.:

1. *Short title and construction.* This Act may be cited as the Pensions (Colonial Service) Act, 1887, and shall be construed as one with the Superannuation Act, 1839.

nuation Act, 1859, and with the Colonial Governors (Pensions) Acts, 1865 and 1872.

2. *Application of Superannuation Acts to Colonial civil service.*] Where a person who has been employed in any office in the permanent civil service of a colony has been employed also in some Imperial civil capacity, his service in the said office shall, for the purposes of the Superannuation Act, 1859 [22 Vict. c. 26], and the Colonial Governors (Pensions) Acts, 1865 and 1872 [23 & 29 Vict. c. 113, 35 & 36 Vict. c. 29], and the Acts amending the said Acts, be deemed to be service in the permanent civil service of the State, and the said office shall be deemed to be an office in a public department, and the said person shall, subject as herein-after provided, be qualified to receive a pension accordingly.

Provided that the Commissioners of Her Majesty's Treasury shall determine the portion of every such pension which shall be paid from the Consolidated Fund of the United Kingdom or moneys voted by Parliament, but no payment shall be made therefrom in respect of any employment in the permanent civil service of a colony.

The expression "Imperial civil capacity" in this section means the permanent civil service of the State, and also the administration of the government of a colony within the meaning of the Colonial Governors (Pensions) Act, 1865.

3. *Provision as to pensions under 28 & 29 Vict. c. 113, and 35 & 36 Vict. c. 29.*—A person shall not receive by way of pension, under the Colonial Governors (Pensions) Acts, 1865 and 1872, an amount which, together with any pension for service in the permanent civil service of the State or of a colony, exceeds the sum of one thousand pounds a year, or two-thirds of the salary and emoluments of his office in that service, whichever is greater. But his pension under the said Acts shall not be reduced by reason of his pension in respect of the said service being an emolument within the meaning of section seven of the Colonial Governors (Pensions) Act, 1865.

4. *Mode of computing superannuation allowance to be granted in certain cases.*—Any pension to be granted in pursuance of section ten of the Colonial Governors (Pensions) Act, 1865, as amended by this Act, to a person who has administered the government of any colony or colonies shall be computed, according to the provisions of the Superannuation Act, 1859, on the salary and emoluments of his office in the permanent civil service of the State or of a colony, and not on the salary received by him in respect of the administration of the said government.

5. *Application of 28 & 29 Vict. c. 113 and 35 & 36 Vict. c. 29 to High Commissioner in Cyprus.*] Whereas by the Colonial Governors (Pensions) Acts, 1865 and 1872, provision is made for retiring pensions to persons who have administered the government of any of Her Majesty's Colonies, and it is expedient to extend the said Acts to Her Majesty's High Commissioner in Cyprus: Be it therefore enacted as follows:

A pension may be granted in pursuance and subject to the provisions of the Colonial Governors (Pensions) Acts, 1865 and 1872, as amended by this or any other Act, to a person who has, either before or after the passing of this Act, administered the government of Cyprus as Her Majesty's High Commissioner, and those Acts shall apply as if Cyprus were a colony within the meaning thereof, and were within Her Majesty's dominions.

6. *Definition of permanent civil service of a colony.*] For the purposes of this Act a person shall be deemed to be employed in the permanent civil service of a colony if he holds any such permanent office in the service of Her Majesty in the government of any colony as qualifies him to receive a pension out of the revenues of such colony.

7. *Provision against double pensions.*] A person shall not receive a pension under the Colonial Governors (Pensions) Acts, 1865 and 1872, or this Act, and also under section twelve of the Superannuation Act, 1859.

8. *Explanation of Terms.*] The expressions "permanent civil service of the State," "permanent civil service of Her Majesty," and "permanent civil service of the Crown," are hereby declared to have the same meaning, and this Act and any

enactment relating to salaries and pensions shall be construed accordingly.

In this Act "pension" includes superannuation allowance.

#### CAP. XIV.

An Act to apply the sum of thirteen million six hundred and seventy-five thousand six hundred and fifty-nine pounds out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and eighty-eight.

[5th July 1887.]

#### CAP. XV.

An Act to grant certain Duties of Customs and Inland Revenue, to alter other duties, and to amend the laws relating to Inland Revenue.

[5th July 1887.]

Be it enacted, &c.:

1. *Short title.*] This Act may be cited as the Customs and Inland Revenue Act, 1887.

#### PART I.

##### CUSTOMS AND EXCISE.

2. *Import duties on tea.*] The duties of Customs now chargeable upon tea shall continue to be levied and charged, on and after the first day of August one thousand eight hundred and eighty-seven until the first day of August one thousand eight hundred and eighty-eight, on the importation thereof into Great Britain or Ireland; (that is to say),

Tea, the pound . . . . . Sixpence.

3. *Duties and drawback on tobacco.*] In lieu of the duties of Customs now payable on tobacco there shall, on and after the twenty-first day of May one thousand eight hundred and eighty-seven, be levied and charged upon tobacco imported into Great Britain or Ireland the duties following; (that is to say),

Tobacco manufactured, viz.:	£	s.	d.
Segars . . . . .	the lb.	0	5 0
Cavendish or Negrohead . . . . .	the lb.	0	4 6
Cavendish or Negrohead manufactured in bond . . . . .	the lb.	0	4 0
Other manufactured to- bacco . . . . .	the lb.	0	4 0
Snuff containing more than 13 lbs. of moisture in every 100 lbs. weight thereof . . . . .	the lb.	0	3 9
Snuff not containing more than 13 lbs. of moisture in every 100 lbs. weight thereof . . . . .	the lb.	0	4 6
Tobacco unmanufactured, viz.:			
Containing 10 lbs. or more of moisture in every 100 lbs. weight thereof . . . . .	the lb.	0	3 2
Containing less than 10 lbs. of moisture in every 100 lbs. weight thereof . . . . .	the lb.	0	3 6

And in lieu of the drawback now allowable on tobacco exported from Great Britain or Ireland, or deposited in a bonded or Queen's warehouse as the case may be, there shall, on and after the thirty-first day of May one thousand eight hundred and eighty-seven, be allowed the drawback of three shillings and threepence named in section one of the Manufactured Tobacco Act, 1863 [26 & 27 Vict. c. 7].

4. *Restriction of amount of moisture in tobacco.*] If any manufacturer of tobacco shall have in his custody or possession any tobacco (except tobacco which must undergo some process of treatment or manufacture before it is fit for sale), or if any dealer in or retailer of tobacco shall have in his custody or possession any tobacco, and such tobacco shall in either case on being dried at a temperature of two hundred and twelve degrees as denoted by Fahrenheit's thermometer be decreased in weight by more than thirty-five per centum, he shall incur an excise penalty of fifty pounds and the tobacco shall be forfeited.

Roll tobacco or cut tobacco in the custody or possession of a manufacturer of tobacco which is treated in the course of manufacture by baking, or hot-pressing, or storing, shall be deemed fit for

sale when the same has cooled after such treatment, and roll tobacco in such custody or possession, which is treated in the course of manufacture by pressing merely, shall be deemed fit for sale immediately upon being put in the press.

#### PART II.

##### STAMPS.

5. *Reduction of duty on certain sea policies.*] Where the premium or consideration for any sea insurance does not exceed the rate of two shillings and sixpence per centum of the sum insured by the policy, the stamp duty upon such policy shall be one penny only.

6. *Limitation of time for stamping foreign sea policies.*] The period within which a policy of sea insurance made or executed out of the United Kingdom may be stamped on payment of the duty only, under section one hundred and seventeen of the Stamp Act, 1870 [33 & 34 Vict. c. 97], as amended by section forty-four of the Customs and Inland Revenue Act, 1881 [44 & 45 Vict. c. 12], is hereby reduced to ten days.

7. *Duties on transfers of debenture stock or county stock and on stock certificates to bearer.*] In lieu of the duties now payable on a transfer, otherwise than on mortgage, of any debenture stock or funded debt of any company or corporation, or any county stock, there shall be charged the duties herein-after mentioned or referred to; (that is to say),

Where the transfer is on sale, the same ad valorem duties as are charged by the Stamp Act, 1870 [33 & 34 Vict. c. 97], upon a conveyance or transfer on sale or other property by relation to the amount or value of the consideration for the sale;

Where the transfer is of any other kind than on sale or mortgage, ten shillings;

and in lieu of the duties now payable under section forty-six of the Customs and Inland Revenue Act, 1881 [44 & 45 Vict. c. 12], upon every "Stock Certificate to Bearer" there shall be charged upon every such certificate a stamp duty of an amount equal to three times the amount of the ad valorem stamp duty which would be chargeable on a deed transferring the stock specified in the certificate if the consideration for the transfer were the nominal value of such stock.

8. *Duty as composition for stamp duties.*] (1.) By way of composition for certain stamp duties there shall be charged upon the aggregate amount appearing on every half-yearly account delivered to the Commissioners of Inland Revenue as herein-after mentioned for every full sum of one hundred pounds and any fractional part of one hundred pounds of such amount the duty of sixpence.

(2.) The duty shall be a stamp duty, and shall be under the care and management of the said commissioners, who by themselves and their officers shall have the same powers and authorities for the collection, recovery, and management thereof as are vested in them for the collection, recovery, and management of any stamp duties, and shall have all other powers and authorities requisite for such purposes.

9. *Accounts to be delivered by companies, corporations, and county justices with a view to compound.*

(1.) Any company or corporation may enter into an agreement with the said commissioners, if the said commissioners in their discretion think proper, for the delivery of an account shewing the nominal amount of all the shares, stock, and funded debt of such company or corporation, or the amount thereof in respect of which payment has been made, if the whole sums payable in respect thereof have not been paid; and after such agreement has been entered into the account shall be immediately delivered to the said commissioners, and a like account shall be delivered half-yearly in each year.

(2.) The justices of any county, liberty, riding, parts, or division of a county may enter into an agreement with the said commissioners for the delivery of an account shewing the nominal amount of all the "county stock," or the amount thereof in respect of which payment has been made, if the whole sums payable in respect of such stock have not been paid; and after such agreement has been entered into the account shall be



immediately delivered to the said commissioners, and a like account shall be delivered half-yearly in each year.

(3) The agreement shall specify the officer of the company, corporation, or county justices, whether secretary, treasurer, accountant, or other officer, by whom the accounts are to be delivered, and such officer is hereinafter referred to by the term "accountable officer."

10. *Contents and forms of account.* Every account shall be a full and true account of all shares, stock, and funded debt, or county stock existing at the time of the delivery of the account, and of the amount thereof in respect of which payment has been made, if the whole sums payable in respect thereof have not been paid, and shall be made in such form and shall contain all such particulars as the said commissioners shall require; and the accountable officer is hereby made answerable for the delivery to the said commissioners of such full and true account as aforesaid.

11. *Time for delivery of accounts and payment of duty.* (1) The accounts to be delivered to the said commissioners half yearly shall be delivered on or within seven days before the first day of February and the first day of August in each year, and the duty hereby imposed shall be paid upon the delivery of the account, and if the same be not then paid it shall be a debt due to Her Majesty from the company, corporation, or county justices on whose behalf the account shall have been delivered.

(2) Where the first account under this Act shall be delivered by any company, corporation, or county justices at any time between the said two half-yearly days, such account shall be charged with an amount of duty proportionate to the period between the date of the delivery of the account and the first succeeding half-yearly day.

12. *Penalty for not delivering account and paying duty.* In the case of wilful neglect to deliver such an account as is hereby required to be delivered, or to pay the duty in conformity with this Act, the company or corporation or county justices shall be liable to pay to Her Majesty a sum equal to ten pounds per centum upon the amount of duty payable and a like penalty for every month after the first month during which such neglect shall continue.

13. *Provision for case of certain companies.* (1) In the case of any company or corporation formed within the United Kingdom, and having registers abroad in which shares, stock, or funded debt may be registered, the shares, stock, or funded debt of such company or corporation shall not for the purposes of the account under this Act include the shares, stock, or funded debt for the time being registered abroad.

(2) In the case of any Colonial or foreign company or corporation having registers in the United Kingdom in which shares, stock, or funded debt are registered, the shares, stock, or funded debt for the time being registered in the United Kingdom shall for the purposes of the account under this Act be regarded as constituting all the shares, stock, or funded debt of the company or corporation.

14. *Amendment of law as to existing modes of composition in certain cases.* (1) The provisions as to composition contained in section fifty-three of the Land Revenue Act, 1880, shall not apply to any debenture stock, corporation stock, municipal stock, or funded debt, by whatever name known, created or issued after the passing of this Act by the council of any city or municipal borough.

(2) The provisions as to composition contained in sections three and four of the Metropolitan Board of Works (Loans) Act, 1870 [33 & 34 Vict. c. 24], and section fifty-four of the Land Revenue Act, 1880 [43 & 44 Vict. c. 20], shall not apply to Metropolitan Consolidated Stock and Metropolitan Annuities issued or granted after the first day of August one thousand eight hundred and eighty-seven; and by way of composition for stamp duties on the transfers thereof the Metropolitan Board of Works shall deliver to the said Commissioners half-yearly accounts, in conformity with this Act, of all Metropolitan Consolidated Stock and Metropolitan Annuities issued or granted after such day.

15. *Exemption in consideration of composition.* So soon as any account has been delivered, and payment of the duty hereby imposed has been made, transfers of any shares, stock, or funded debt, or county stock included in such account, and also any share warrants or stock certificates relating to such shares, stock, or funded debt, or county stock, shall be exempt from stamp duty.

16. *Power to compounding company, &c., to require additional payments on registration of transfer, &c.* Where an agreement for composition under this Act has been entered into by any company or corporation or county justices, such company or corporation or county justices shall have power, in addition to any fee exigible upon registration of any transfer of shares, stock, or funded debt, or county stock, as the case may be, or upon issue of any share warrant, or stock certificate relating thereto, to require payment of an amount not exceeding the amount of stamp duty which would have been chargeable upon the transfer or share warrant or stock certificate if no such agreement had been entered into.

### PART III. INCOME TAX.

17. *Grant of duties of income tax.* There shall be charged, collected, and paid for the year which commenced on the sixth day of April one thousand eight hundred and eighty-seven in respect of all property, profits, and gains mentioned or described as chargeable, in the Act of the sixteenth and seventeenth years of Her Majesty's reign, chapter thirty-four, the following duties of income tax; (that is to say,)

For every twenty shillings of the annual value or amount of property, profits, and gains chargeable under Schedules (A), (C), (D), or (E), of the said Act, the duty of sevenpence.

And for every twenty shillings of the annual value of the occupation of lands, tenements, hereditaments, and heritages chargeable under Schedule (B), of the said Act—

In England, the duty of threepence halfpenny.

In Scotland and Ireland respectively, the duty of twopence halfpenny.

18. *Farmer may elect to be charged under Schedule D.* It shall be lawful for any person occupying lands for the purposes of husbandry only to elect to be assessed to the duties of income tax chargeable under Schedule D, and in accordance with the rules of that schedule, in lieu of assessment to the duties under Schedule B.

The election of such person shall be signified by notice in writing delivered personally or sent by post in a registered letter to the surveyor of taxes for the district within two calendar months after the commencement of the year of assessment; and from and after the receipt of such notice the charge upon him to the duties of income tax for such year shall be under Schedule D, and the profits or gains arising to him from the occupation of the lands shall for all purposes be deemed to be profits or gains of a trade chargeable under that schedule.

19. *Application of provisions of Income Tax Acts.* All such provisions contained in any Act relating to income tax as were in force on the fifth day of April one thousand eight hundred and eighty-seven shall have full force and effect with respect to the duties of income tax granted by this Act, so far as the same shall be consistent with the provisions of this Act.

20. *Assessment of income tax under Schedules (A) and (B) and of the inhabited house duties for the year 1887—88.* With respect to the assessment of the duties of income tax hereby granted under Schedules (A) and (B) in respect of property elsewhere than in the metropolis as defined by the Valuation (Metropolis) Act, 1869 [32 & 33 Vict. c. 67], and of the duties on inhabited houses elsewhere than in the said metropolis, for the year commencing, as respects England, on the sixth day of April, and, as respects Scotland, on the twenty-fourth day of May, one thousand eight hundred and eighty-seven, the following provisions shall have effect:

(1) The inspectors or surveyors of taxes shall be

the assessors for the said duties, and, in lieu of the poundage by law granted to be divided between the assessors and the collectors in regard to such duties, there shall be paid a poundage of three halfpence to the collectors thereof.

(2) The sum charged as the annual value of any property in the assessment of income tax thereon for the year which commenced on the sixth day of April one thousand eight hundred and eighty-six, and the sum charged as the annual value of every inhabited house in the assessment made thereon for the same year as respects England, and as respects Scotland for the year which commenced on the twenty-fifth day of May one thousand eight hundred and eighty-six, shall be taken as the annual value of such property, or of such inhabited house, for the assessment and charge thereon of the duties of income tax hereby granted or of the duties on inhabited houses, to all intents and purposes as if such sum had been estimated to be the annual value, in conformity with the provisions in that behalf contained in the Acts relating to income tax and the duties on inhabited houses respectively;

(3) The Commissioners executing the said Acts shall, for each place within their district, cause duplicates of the assessments to be made out and delivered to the collectors, together with the warrants for collecting the same.

21. *Provisions of Income Tax Acts to apply to duties to be granted for succeeding year.* In order to insure the collection in due time of any duties of income tax which may be granted for the year commencing on the sixth day of April one thousand eight hundred and eighty-eight all such provisions contained in any Act relating to the duties of income tax as are in force on the fifth day of April one thousand eight hundred and eighty-eight shall have full force and effect with respect to the duties of income tax which may be so granted in the same manner as if the said duties had been actually granted and the said provisions had been applied thereto by an Act of Parliament passed on that day.

### CAP. XVI.

An Act to amend the law respecting the National Debt and the charge thereon on the Consolidated Fund, and to make further provision respecting Local Loans. [12th July 1887.]

### CAP. XVII.

An Act to amend the Metropolis Management Acts. [12th July 1887.]

1. *Interpretation.*
2. *Construction of Act.*
3. *Short title of 20 Vict. c. 31.*

#### BATTERSEA.

4. *Separation of Battersea from the Wandsworth district.*
5. *Battersea Vestry to elect one member of Metropolitan Board of Works.*
6. *Wandsworth District Board to elect two members of the Metropolitan Board of Works.*
7. *Election, &c., of such members.*
8. *Byelaws, &c., in Battersea.*
9. *Property, claims, &c., of district board apportioned.*
10. *As to parochial officers.*
11. *Arbitration in case of difference.*

#### WANDSWORTH.

12. *Dissolution of district board of Wandsworth and incorporation of united vestry.*
13. *Property, claims, &c., of Wandsworth Board to vest in the vestry.*
14. *Byelaws, &c., in Wandsworth.*
15. *As to contracts, &c., and actions of Wandsworth Board prior to passing of Act.*



16. *Westminster Board officers.*  
17. *Altering time and place of Westminster vestry meetings.*  
18. *Payment of collectors of rates in Westminster.*  
19. *Short title.*] Metropolis Management (Battersea and Westminster) Act, 1887.

## CAP. XVIII.

An Act to amend the Trusts (Scotland), Act, 1867. [12th July 1887.

## CAP. XIX.

An Act to provide for the Fencing of Quarries. [19th July 1887.

Whereas it is expedient to provide for the fencing of quarries in England and Wales:

Be it therefore enacted, &c.:

1. *Short title.*] This Act may be cited as the Quarry (Fencing) Act, 1887.  
2. *Commencement of Act.*] This Act shall not come into operation until the first day of January one thousand eight hundred and eighty-eight.  
3. *Fencing of quarries.*] Where any quarry dangerous to the public is in open or uninclosed land, within fifty yards of a highway or place of public resort dedicated to the public, and is not separated therefrom by a secure and sufficient fence, it shall be kept reasonably fenced for the prevention of accidents, and unless so kept shall be deemed to be a nuisance liable to be dealt with summarily in manner provided by the Public Health Act, 1875.  
4. *Interpretation.*] In this Act—  
The term "quarry" includes every pit or opening made for the purpose of getting stone, slates, lime, chalk, clay, gravel, or sand, but not any natural opening.  
5. *Extent of Act.*] This Act shall not extend to Scotland and Ireland.

## CAP. XX.

An Act to make better provision for the prevention and punishment of Crime in Ireland, and for other purposes relating thereto. [19th July 1887.

## CAP. XXI.

An Act to limit the Powers of the Water Companies to cut off the Tenants Water Supply where the rate is paid by the landlord. [8th August 1887.

Whereas it is expedient to make further provision with respect to the powers of companies supplying water for profit in England:

Be it therefore enacted, &c.:

1. *Short title.*] This Act may be cited as the Water Companies (Regulation of Powers) Act, 1887.  
2. *Extent of Act.*] This Act shall not extend to Scotland or Ireland.  
3. *Application of Act.*] This Act shall apply to every water company which is a trading company supplying water for profit, and to which any of the provisions of the Waterworks Clauses Act, 1847, have been or shall be made applicable by any special Act or Provisional Order confirmed by Parliament, and every such special Act and Provisional Order shall be deemed to be amended by this Act, and shall be construed accordingly.  
4. *Water not to be cut off where the water rate is payable by the owner.*] Where the owner and not the occupier is liable by law or by agreement with the water company to the payment of the water rate in respect of any dwelling-house or part of a dwelling-house occupied as a separate tenement, no water company shall cut off the water supply for non-payment of the water rate, but such water rate, without prejudice to the other remedies of the company for enforcing payment thereof from such owner, shall, together with interest thereon at the rate of five pounds per centum per annum, computed from the expiration of one month from the time when the same has been claimed by the company until receipt thereof by the company, be a charge on such dwelling-house in priority to all

other charges affecting the premises; and (without prejudice to such charge) the amount may be recovered, with the costs incurred, from the owner or from the occupier for the time being in the same manner as water rates may by law be recovered: Provided always, that proceedings shall not be taken against the occupier until notice shall have been given to him or left at his dwelling-house to pay the amount due for water rate out of the rent then due or that may thereafter become due from him, and he shall have omitted so to pay such water rate; and provided also, that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him, or which shall have accrued due from him since such notice shall have been given or left as aforesaid, and that every such occupier shall be entitled to deduct from the rent payable by him the sum so recovered from him or which he shall have paid on demand.

5. *Penalty on cutting off of supply in contravention of the Act.*] In the event of any such supply being cut off in contravention of this Act, the company cutting off the same shall be liable to a penalty not exceeding five pounds for each day during which the water shall remain cut off, which penalty shall be recoverable summarily from the company by, and shall be paid to, the person aggrieved.

## CAP. XXII.

An Act to amend the Public Libraries Acts.

[8th August 1887.

Be it enacted, &c.:

## Preliminary.

1. *Short titles.*] This Act may be cited as the Public Libraries Acts Amendment Act, 1887, and may, together with the Acts mentioned in the schedule hereto, be cited as the Public Libraries (England) Acts, 1855 to 1887.

2. *Construction of Act.*] This Act shall be construed with the Public Libraries (England) Acts, 1855 to 1884, and expressions used in this Act shall, unless the context requires a different construction, have the same meaning as in those Acts, and where any section in any of those Acts has been modified by a subsequent Act, the reference herein made to such section shall be construed to refer to the section so modified, and the reference shall have effect accordingly.

3. *Extent of Act.*] This Act shall not apply to Scotland, Ireland, or the city of London.

4. *Definitions.*] In this Act—

"Metropolis" shall mean the metropolis as defined by the Metropolis Management Act, 1855 [18 & 19 Vict. c. 120], excluding the city of London;

"Library authority" means the Council, Commissioners, Board, or other persons or authority carrying into execution the Public Libraries Acts.

"District board" means a district board constituted under the Metropolis Management Act, 1855, and "district" shall have a corresponding signification.

5. *Lending library.*] The power to erect, establish, and maintain a library, given by the Public Libraries Act, 1855 [18 & 19 Vict. c. 70] (hereinafter called the principal Act) shall be extended so as to empower the library authority to establish and maintain a lending library without providing any separate building for containing the same, and to enable them to place such lending library under the care and superintendence of such person as they shall think fit, and in a building or room not appropriated for the purposes of the said Act, or erected, purchased, or rented by the library authority, and all the powers of the said Acts shall be applicable for the purposes of this section.

6. *Amendment of Act.*] So much of section fifteen of the principal Act as incorporates with that Act certain clauses of the Towns Improvement Clauses Act, 1847, is hereby repealed.

The Public Libraries Amendment Act, 1877, shall have effect as if the Public Libraries Act, 1855, were recited therein.

## General Provisions.

7. *Borrowing by library authorities.*] Sections two hundred and thirty-three, two hundred and thirty-four, and two hundred and thirty-six to two hundred and thirty-nine, both inclusive, of the Public Health Act, 1875 [38 & 39 Vict. c. 55], shall apply, with the necessary modifications, to all money borrowed by any library authority after the passing of this Act, as if the library authority were an urban sanitary authority and as if references to the Public Libraries (England) Acts, 1855 to 1887, were substituted in those sections and in the forms therein mentioned for references to the Sanitary Acts or the Public Health Act, 1875.

So much of section seventeen of the principal Act as incorporates the clauses and provisions of the Companies Clauses Consolidation Act, 1845, with respect to the borrowing of money on mortgage or bond is hereby repealed except as to any money borrowed before the passing of this Act.

8. *Transfer to Local Government Board of certain functions of Treasury.*] The powers and duties of the Commissioners of Her Majesty's Treasury under the Public Libraries (England) Acts, 1855 to 1887, shall from and after the passing of this Act be transferred to the Local Government Board, and sections sixteen and eighteen of the principal Act shall be construed and have effect as if a reference to the approval of the Local Government Board were therein substituted for a reference to the approval of Her Majesty's Treasury.

9. *Provision as to parish partly within and partly without a borough or district.*] Where any parish is partly within and partly without any borough or district which shall have adopted or shall contemplate the adoption of the principal Act, the part of such parish without the borough or district shall, for the purposes of the fourth section of the Public Libraries Amendment Act (England and Scotland), 1866 [29 & 30 Vict. c. 114], be considered a parish within the meaning of the said section; and the overseers of the poor for the said parish shall, for the purposes of the said section, be considered the overseers of the part of the parish situate without the borough or district, and the expenses referred to in the said section shall, so far as such part of the parish is concerned, be defrayed out of a rate to be levied by the overseers in such part of the parish, either as an addition to the poor rate, or as a separate rate to be made and recovered in the same way as a poor rate, and to be subject to the same rights of appeal.

## Provisions affecting the Metropolis only.

10. *Power for district in the metropolis to adopt the Act.*] In the metropolis any district shall have power to adopt the principal Act, and for such purpose the said Act shall be altered and have effect as follows:—

(1.) Sections eight, nine, twelve, fifteen, twenty-one, and twenty-two shall be read as if the word "district" was substituted for the word "parish"; and the words "district board" instead of the word "overseers" and the word "vestry" as the case may be.

(2.) Section thirteen shall not apply, and instead thereof the following provisions shall have effect:—

The expenses of calling and holding the meeting of the ratepayers, whether the principal Act shall be adopted or not, and the expenses incurred by the Commissioners in carrying the said Act and the Acts amending the same into execution in any district, to such amount as shall be from time to time sanctioned by the district board, shall be paid out of the funds of the district board applicable to the general expenses incurred by them in the execution of the Metropolis Management Act, 1855, and the sums required for the purpose of defraying the expenses incurred by the Commissioners as aforesaid shall be paid by the district board to such person as shall be appointed by the Commissioners to receive the same, but nothing herein contained shall enable district boards to levy or expend for the purposes of the principal Act and the Acts amending the same any greater

- sum in any year than one penny in the pound. [See 34 & 35 Vict. c. 71, s. 3.]
- (3.) Section fourteen shall be read as if the words "district boards" were substituted for the word "vestries"; the word "district" for "parish"; and "funds applicable to the general expenses incurred by the district board in the execution of the Metropolitan Management Act, 1855," for "money to be raised for the relief of the poor," and section sixteen shall be read as if the words "district board" were substituted for the word "vestry," and the words "rates out of which the expenses of the Commissioners are payable" for the words "rates levied in pursuance of this Act."
- (4.) Where any parish has, previously to the passing of this Act, adopted the principal Act, or shall subsequently adopt the same:—
- (a.) No person shall, by reason of being a ratepayer of such parish, be accounted as a ratepayer of the district of which it forms a part.
- (b.) No representative on the district board for such parish shall take any part in any proceedings under this section.
- (c.) Such parish shall not be called upon to contribute towards any expenses incurred, and no part of the funds of such parish shall be expended in or towards calling or holding the meeting of the ratepayers of the district, or carrying the Act into execution in the district.
- (d.) And, in every respect, such parish shall, for the purposes of this section, be treated as if it were outside the district.
- (e.) Any question of accounts arising between such parish and the other parishes in the district, or between such parish and the district, in consequence of this section, shall be decided finally by the Local Government Board.
11. *Power of parish preserved.* This Act shall not deprive any parish in the metropolis of the power of adopting the principal Act, but after any district shall have adopted the said Act, no parish within such district shall also adopt it in manner provided by section one of the Public Libraries Amendment Act, 1877 [40 & 41 Vict. c. 54], or hold a meeting for considering its adoption, without the consent of the Local Government Board.

#### SCHEDULE.

##### PUBLIC LIBRARIES (ENGLAND) ACTS.

Session and Chapter.	Title.
18 & 19 Vict. c. 70.	The Public Libraries Act, 1855.
29 & 30 Vict. c. 114.	The Public Libraries Amendment Act (England and Scotland), 1866.
34 & 35 Vict. c. 71.	The Public Libraries Act, 1855, Amendment Act, 1871.
40 & 41 Vict. c. 54.	The Public Libraries Amendment Act, 1877.
47 & 48 Vict. c. 37.	The Public Libraries Act, 1884.

#### CAP. XXIII.

An Act to amend the Incumbents Resignation Act, 1871. [8th August 1887.]

Be it enacted, &c.:

1. *Short title.* This Act may be cited for all purposes as the Incumbents Resignation Act, 1871, Amendment Act, 1887, and the Incumbents Resignation Act, 1871 [34 & 35 Vict. c. 44], hereinafter called "the principal Act", and this Act may together be cited as the Incumbents Resignation Acts, 1871 and 1887.
2. *Construction of Act.* This Act shall be construed together with the principal Act, and the provisions herein contained shall have effect as though they had been fully and expressly included in the principal Act.
3. *Definition of "terminable mortgage."* The expression "terminable mortgage" in this Act means any mortgage created for securing the re-

payment of any loan by annual instalments, payments in the nature of a rentcharge, or otherwise, in a limited number of years.

4. *Pensions to vary with tithe averages.* In the case of every pension awarded after the passing of this Act the amount of every half-yearly payment on account of such pension shall vary and shall from time to time be regulated by the averages published, under the provisions of an Act passed in the sixth and seventh years of His Majesty William the Fourth, chapter seventy-one, in the month of January next preceding the date of every such half-yearly payment, except that, if no part of the income of the benefice is derived from tithe rentcharge, or glebe lands, then the pension shall not be subject to variation.

5. *Amendment of 34 & 35 Vict. c. 44, s. 8.* Section eight of the principal Act shall be read as if the following words were added at the end of the section: "or be an amount which shall not leave a sufficient income to secure the due performance of the services of the church, according to the scale of stipends set forth in the eight-fifth section of the Act of the first and second Victoria, chapter one hundred and six"; and section eleven shall be read as if worded as follows: "The annual value of a benefice for the purposes of this Act shall be the net annual value, exclusive of the parsonage, vicarage, or other place of residence of the incumbent, after deducting all rates, taxes, and charges assessed upon and payable out of the benefice, which charges shall include the salary of any curate who is compulsorily employed, and any annual payments in respect of any terminable mortgage having at the time of the sitting of the said Commission more than two years to run."

6. *Set off of pension against sum due for dilapidations.* If a retired clerk shall on retirement have become liable to the payment to his successor of any sum on account of dilapidations under the Ecclesiastical Dilapidations Act, 1871 [34 & 35 Vict. c. 43], and shall not have paid such sum in manner in the said Act mentioned, it shall be lawful for the incumbent of the benefice for the time being to withhold the amounts due from time to time in respect of any pension granted under the principal Act and to apply the same in discharge of the sum due for dilapidations as aforesaid until the whole debt shall have been discharged.

Provided that the amount so withheld in any one year shall not exceed one half the total amount of the pension for such year without the consent of the bishop of the diocese in which such benefice shall be situate.

#### CAP. XXIV.

An Act to amend the Crofters Holdings (Scotland) Act, 1886. [8th August 1887.]

#### CAP. XXV.

An Act to permit the conditional Release of First Offenders in certain cases. [8th August 1887.]

Whereas it is expedient to make provision for cases where the reformation of persons convicted of first offences may, by reason of the offender's youth or the trivial nature of the offence, be brought about without imprisonment:

Be it therefore enacted, &c.:

1. *Power to court to release upon probation of good conduct instead of sentencing to punishment.* (1) In any case in which a person is convicted of larceny or false pretences, or any other offence punishable with not more than two years imprisonment before any court, and no previous conviction is proved against him, if it appears to the court before whom he is so convicted that, regard being had to the youth, character, and antecedents of the offender, to the trivial nature of the offence, and to any extenuating circumstances under which the offence was committed, it is expedient that the offender be released on probation of good conduct, the court may, instead of sentencing him at once to any punishment, direct that he be released on his entering into a recognisance, with or without sureties, and during such period as the court may direct, to appear and receive judgment when called upon, and in the meantime to keep the peace and be of good behaviour.

(2) The court may, if it thinks fit, direct that the offender shall pay the costs of the prosecution, or some portion of the same, within such period and by such instalments as may be directed by the court.

2. *Provision in case of offender failing to observe conditions of his recognisance.* (1) If a court having power to deal with the offender in respect of his original offence, or any court of summary jurisdiction, is satisfied by information on oath that the offender has failed to observe any of the conditions of his recognisance, it may issue a warrant for his apprehension.

(2) An offender, when apprehended on any such warrant, shall, if not brought forthwith before the court having power to sentence him, be brought before a court of summary jurisdiction, and that court may either remand him by warrant until the time at which he was required by his recognisance to appear for judgment, or until the sitting of a court having power to deal with his original offence, or may admit him to bail with a sufficient surety conditioned on his appearing for judgment.

(3) The offender when so remanded may be committed to a prison, either for the county or place in or for which the court remanding him acts, or for the county or place where he is bound to appear for judgment, and the warrant of remand shall order that he be brought before the court before which he was bound to appear for judgment, or to answer as to his conduct since his release.

3. *Conditions as to abode of the offender.* The court, before directing the release of an offender under this Act, shall be satisfied that the offender or his surety has a fixed place of abode or regular occupation in the county or place for which the court acts, or in which the offender is likely to live during the period named for the observance of the conditions.

4. *Definition of "court."* In this Act the term "court" includes a court of summary jurisdiction.

5. *Short title.* This Act may be cited as the Probation of First Offenders Act, 1887.

#### CAP. XXVI.

An Act to provide Compensation to the Occupiers of Allotments and Cottage Gardens for crops left in the ground at the end of their tenancies. [8th August 1887.]

Be it enacted, &c.:

1. *Short title.* This Act may be cited as the Allotments and Cottage Gardens Compensation for Crops Act, 1887.

2. *Extent of Act.* This Act shall not extend to Scotland or Ireland or to the metropolis.

3. *Commencement of Act.* This Act shall come into force on the first day of January one thousand eight hundred and eighty-eight, which day is in this Act referred to as the commencement of this Act.

4. *Definitions.* In this Act—  
"The metropolis" means the city of London, and all parishes and places mentioned in Schedules A, B, and C to the Metropolitan Management Act, 1855 [18 & 19 Vict. c. 130].

"Allotment" means any parcel of land of not more than two acres in extent held by a tenant under a landlord and cultivated as a garden or as a farm, or partly as a garden and partly as a farm.

"Cottage garden" means an allotment attached to a garden.

"Holding" means an allotment or cottage garden.

"Tenant" means the holder of a holding under a landlord for any term, and includes the legal personal representative of a deceased tenant.

"Landlord" means the person for the time being entitled to receive the rents and profits of any holding.

"Person" includes a body of persons and a corporation aggregate or sole.

"Contract of tenancy" means the letting of land for any term.



"Determination of tenancy" means the cesser of a contract of tenancy by effluxion of time or from any other cause.

The designations of landlord and tenant shall for the purposes of this Act continue to apply to the parties to a contract of tenancy until the conclusion of any proceedings taken under this Act on the determination of a tenancy.

5. *Compensation.* Upon the determination of the tenancy of a holding after the commencement of this Act the tenant shall be entitled notwithstanding any agreement to the contrary to obtain from the landlord compensation in money for the following matters and things, that is to say:—

- (a.) For crops, including fruit, growing upon the holding in the ordinary course of cultivation, and for fruit trees and fruit bushes growing thereon, which have been planted by the tenant with the previous consent in writing of the landlord.
- (b.) For labour expended upon and for manure applied to the holding since the taking of the last crop therefrom in anticipation of a future crop.
- (c.) For drains and for any outbuildings, pigsties, fowlhouses, or other structural improvements made by the tenant upon his holding with the written consent of his landlord.

6. *Deduction from compensation on account of rent or breach of contract.* In the ascertainment of the amount of compensation payable to the tenant under this Act, any sum due to the landlord in respect of rent or of any breach of the contract of tenancy or wilful or negligent damage committed or permitted by the tenant shall be taken into account in reduction of the amount of compensation.

7. *Compensation if not agreed upon to be settled by an arbitrator.* The landlord and tenant may agree upon the amount and time of payment of compensation to be paid under this Act. If in any case they do not so agree, the difference shall be settled by an arbitrator.

8. *Appointment of arbitrator.* If the landlord and tenant concur they may within twenty-eight days after the determination of the tenancy jointly appoint such arbitrator. If they do not concur, such arbitrator shall be appointed in the following manner:—

- (1.) The landlord and tenant or either of them may apply personally or in writing to the justices of the peace, acting for the petty sessions division in which the holding is situated, in petty sessions, and such justices shall upon the receipt of the application appoint one of their number not being interested in the holding, or other competent person not being interested as aforesaid, to act as such arbitrator.

- (2.) If before award the person so appointed dies or becomes incapable of acting or for seven days after his appointment fails to act the justices shall appoint in manner aforesaid another arbitrator.

9. *Justices if practicable to appoint person to act as arbitrator without remuneration.* The justices shall in all cases in which it is practicable obtain the consent of the arbitrator to act without remuneration, and in any case in which it is impracticable to obtain such consent they shall direct that the arbitrator shall be paid such moderate sum as they consider will reasonably remunerate him for his time and expenses.

10. *Time for commencement of arbitration.* The arbitrator shall proceed to determine any difference referred to him under this Act within seven days after his appointment.

11. *Power for arbitrator to administer oaths.* The arbitrator, if he shall consider it desirable or necessary so to do, shall have power to call for the production of any document which is in the possession of either party, or which either party can produce, and which to the arbitrator seems necessary for determination of the difference referred to him, and to take the examination of the parties and witnesses on oath and to administer oaths and take affirmations, and if any person so sworn or affirming wilfully and corruptly gives false evidence he shall be guilty of perjury.

12. *Power to proceed in absence of either party.* The arbitrator may proceed in the absence of either party after notice given to both parties.

13. *Form of award and time for its delivery.* The award shall be in writing signed by the arbitrator, and shall be ready for delivery within fourteen days after his appointment, or within such extended time not exceeding in the whole twenty-eight days after his appointment as the parties may agree upon in writing.

14. *Costs of arbitration.* The costs (if any) of and attending the arbitration including the remuneration (if any) of the arbitrator shall be borne and paid by the parties in such proportion as to the arbitrator appears just, and the award may direct the payment of the whole or any part of the aforesaid costs by the one party to the other, or may declare that no costs shall be payable.

15. *Day for payment.* The award shall fix a day not sooner than fourteen days after the delivery of the award for the payment of the money awarded for compensation, costs, or otherwise.

16. *Award to be final.* The award shall be final and conclusive in every case; and neither the submission to arbitration nor the award shall be made a rule of any court, or be removable by any process into any court.

17. *Recovery of compensation money.* Where any money agreed or awarded to be paid for compensation, costs, or otherwise, is not paid within fourteen days after the time when it is agreed or awarded to be paid, it shall be recoverable upon order made by the judge of the county court within the district of which the holding is situated, as money ordered to be paid by a county court under its ordinary jurisdiction is recoverable.

18. *No claim to be made under the Agricultural Holdings (England) Act for any matter or thing for which a claim is made under this Act.* No claim for compensation shall be made under the Agricultural Holdings (England) Act, 1883, for any matter or thing in respect of which a claim for compensation is made under this Act, and in any case in which the provisions of that Act and of this Act conflict the provisions of this Act shall prevail.

## CAP. XXVII.

An Act to amend the Law with respect to weighing Cattle in Markets and Fairs.

[8th August 1887.]

Whereas it is expedient to afford the like facilities for weighing cattle in markets and fairs as are afforded for weighing goods and carts under the Markets and Fairs Clauses Act, 1847 [10 & 11 Vict. c. 14], in markets and fairs to which that Act applies:

Be it therefore enacted, &c.:

1. *Short title.* This Act may be cited as the Markets and Fairs (Weighing of Cattle) Act, 1887.

2. *Application of Act.* This Act, save as is hereinafter provided, shall apply to all markets and fairs in which tolls are for the time being authorised to be taken and actually are taken in respect of cattle by any company, corporation, or person; and every such company, corporation, or person is in this Act called "the market authority."

3. *Interpretation.* In this Act the word "cattle" includes ram, ewe, wether, lamb, and swine.

4. *Accommodation for weighing cattle to be provided.* In or near to every market or fair to which this Act applies, the market authority shall provide and maintain sufficient and proper buildings or places for weighing cattle brought for sale within the market or fair, and shall keep therein or near thereto weighing machines and weights for the purpose of weighing cattle, and shall appoint proper persons to have charge of such machines and weights, and to afford the use of such machines and weights to the public for weighing cattle as may be from time to time required.

The market authority shall have the accuracy of such weighing machines and weights tested at least twice in every year by the local inspector of weights and measures of and for the county, borough, or place where the market is situated, and the cost of such testing shall be borne by such market authority.

If the market authority fail to comply with the provisions of this section, it shall not be lawful for them to demand, receive, or recover any toll whatever in respect of any cattle brought to the market or fair for sale so long as such failure continues, but this enactment shall not apply till after the first day of January one thousand eight hundred and eighty-eight.

Any person who demands or receives any toll in respect of cattle in any market or fair to which for the time being this Act applies, but in which the market authority have not complied with the provisions of this Act, shall be liable on summary conviction to a fine not exceeding five pounds.

5. *Cattle to be weighed at option of seller or buyer.* Every person selling, offering for sale, or buying any cattle in a market or fair provided with accommodation for weighing cattle may require such cattle to be weighed, and the tolls payable in respect of the weighing shall be paid by the person requiring the cattle to be weighed to the person authorised by the market authority to receive the tolls.

6. *Penalty for refusal to weigh cattle or to give ticket, &c.* Every person appointed by the market authority to weigh cattle sold in the market or fair, who—

- (a.) refuses or neglects to weigh the same when required; or
- (b.) refuses or neglects to deliver to the seller or buyer a ticket specifying the true weight of the cattle weighed; or
- (c.) gives to any person a false ticket or account of any cattle weighed;

shall be liable on summary conviction to a fine not exceeding forty shillings and not less than half a crown.

7. *Penalty for fraud.* Every person who knowingly acts or assists in committing any fraud respecting the weighing of any cattle weighed in pursuance of this Act, shall for every such offence be liable on summary conviction to a fine not exceeding five pounds.

8. *Tolls for weighing cattle.* The market authority may, from time to time (unless otherwise expressly provided by any Act) demand and receive in respect of the weighing of cattle tolls not exceeding the amounts specified in the schedule to this Act, or such other amounts as may be authorised by the Local Government Board to be taken by the market authority; and sections thirty-six to forty-one (both included) of the Markets and Fairs Clauses Act, 1847 [10 & 11 Vict. c. 14], shall apply to the tolls mentioned in this section, as if this Act were the special Act, and the market authority were the undertakers.

9. *Power to exempt certain markets and fairs from provisions of Act.*—(1.) The market authority of any market or fair may at any time apply to the Local Government Board to be exempted from the provisions of this Act on the ground that the sale of cattle at such market or fair is or is likely to be so small as to render it inexpedient to enforce the provision and maintenance of a place for weighing cattle and of a weighing machine under this Act; and thereupon the Local Government Board may by order declare that this Act shall not apply to such market or fair until after the expiration of a time not exceeding three years to be limited by such order. Any order made under this section may at any time be wholly or partially rescinded, altered, or extended by any subsequent order of the Local Government Board.

(2.) This Act shall not apply to any market or fair to which any order under this section applies so long as it is declared by such order that this Act shall not apply thereto.

10. *Application of Act to Scotland and Ireland.* In the application of this Act to Scotland and Ireland this Act shall be read and construed as if for the expression "the Local Government Board" there were substituted, as regards Scotland, the expression "the Secretary for Scotland," and as regards Ireland, the expression "the Local Government Board for Ireland."

## THE SCHEDULE.

	Not exceeding
For every head of cattle other than sheep or swine	Twopence.
For sheep or swine, every five or less number	One penny.



**CAP. XXVIII.**

An Act to consolidate and amend the Law relating to Fraudulent Marks on Merchandise. [23rd August 1887.]

Be it enacted, &c.:

1. *Short title.*] This Act may be cited as the Merchandise Marks Act, 1887.

2. *Offences as to trade marks and trade descriptions.*]

(1.) Every person who—

- (a.) forges any trade mark; or
  - (b.) falsely applies to goods any trade mark or any mark so nearly resembling a trade mark as to be calculated to deceive; or
  - (c.) makes any die, block, machine, or other instrument for the purpose of forging, or of being used for forging, a trade mark; or
  - (d.) applies any false trade description to goods; or
  - (e.) disposes of or has in his possession any die, block, machine, or other instrument for the purpose of forging a trade mark; or
  - (f.) causes any of the things above in this section mentioned to be done,
- shall, subject to the provisions of this Act, and unless he proves that he acted without intent to defraud, be guilty of an offence against this Act.

(3.) Every person who sells, or exposes for, or has in his possession for, sale, or any purpose of trade or manufacture, any goods or things to which any forged trade mark or false trade description is applied, or to which any trade mark or mark so nearly resembling a trade mark as to be calculated to deceive is falsely applied, as the case may be, shall, unless he proves—

- (a.) That having taken all reasonable precautions against committing an offence against this Act, he had at the time of the commission of the alleged offence no reason to suspect the genuineness of the trade mark, mark, or trade description; and
- (b.) That on demand made by or on behalf of the prosecutor, he gave all the information in his power with respect to the persons from whom he obtained such goods or things; or
- (c.) That otherwise he had acted innocently;

be guilty of an offence against this Act.  
(3.) Every person guilty of an offence against this Act shall be liable—

- (i.) on conviction on indictment to imprisonment, with or without hard labour, for a term not exceeding two years, or to fine, or to both imprisonment and fine; and
- (ii.) on summary conviction to imprisonment, with or without hard labour, for a term not exceeding four months, or to a fine not exceeding twenty pounds, and in the case of a second or subsequent conviction to imprisonment, with or without hard labour, for a term not exceeding six months, or to a fine not exceeding fifty pounds; and
- (iii.) in any case, to forfeit to Her Majesty every chattel, article, instrument, or thing by means of or in relation to which the offence has been committed.

(4.) The court before whom any person is convicted under this section may order any forfeited articles to be destroyed or otherwise disposed of as the court thinks fit.

(5.) If any person feels aggrieved by any conviction made by a court of summary jurisdiction, he may appeal therefrom to a court of quarter sessions.

(6.) Any offence for which a person is under this Act liable to punishment on summary conviction may be prosecuted, and any articles liable to be forfeited under this Act by a court of summary jurisdiction may be forfeited, in manner provided by the Summary Jurisdiction Acts [43 & 43 Vict. c. 49]: Provided that a person charged with an offence under this section before a court of summary jurisdiction shall, on appearing before the court, and before the charge is gone into, be informed of his right to be tried on indictment, and if he requires be so tried accordingly.

3. *Definitions.*] (1.) For the purposes of this Act—

The expression "trade mark" means a trade mark registered in the register of trade

marks kept under the Patents, Designs, and Trade Marks Act, 1883 [46 & 47 Vict. c. 57], and includes any trade mark which, either with or without registration, is protected by law in any British possession or foreign State to which the provisions of the one hundred and third section of the Patents, Designs, and Trade Marks Act, 1883, are, under order in Council, for the time being applicable:

The expression "trade description" means any description, statement, or other indication, direct or indirect;

- (a.) as to the number, quantity, measure, gauge, or weight of any goods, or
- (b.) as to the place or country in which any goods were made or produced, or
- (c.) as to the mode of manufacturing or producing any goods, or
- (d.) as to the material of which any goods are composed, or
- (e.) as to any goods being the subject of an existing patent, privilege, or copyright, and the use of any figure, word, or mark which, according to the custom of the trade, is commonly taken to be an indication of any of the above matters, shall be deemed to be a trade description within the meaning of this Act:

The expression "false trade description" means a trade description which is false in a material respect as regards the goods to which it is applied, and includes every alteration of a trade description, whether by way of addition, effacement, or otherwise, where that alteration makes the description false in a material respect, and the fact that a trade description is a trade mark, or part of a trade mark, shall not prevent such trade description being a false trade description within the meaning of this Act:

The expression "goods" means anything which is the subject of trade, manufacture, or merchandise:

The expressions "person," "manufacturer, dealer, or trader," and "proprietor" include any body of persons corporate or unincorporate:

The expression "name" includes any abbreviation of a name.

(2.) The provisions of this Act respecting the application of a false trade description to goods shall extend to the application to goods of any such figures, words, or marks, or arrangement or combination thereof, whether including a trade mark or not, as are reasonably calculated to lead persons to believe that the goods are the manufacture or merchandise of some person other than the person whose manufacture or merchandise they really are.

(3.) The provisions of this Act respecting the application of a false trade description to goods, or respecting goods to which a false trade description is applied, shall extend to the application to goods of any false name or initials of a person, and to goods with the false name or initials of a person applied, in like manner as if such name or initials were a trade description, and for the purpose of this enactment the expression false name or initials means as applied to any goods, any name or initials of a person which—

- (a.) are not a trade mark, or part of a trade mark, and
- (b.) are identical with, or a colourable imitation of the name or initials of a person carrying on business in connexion with goods of the same description, and not having authorised the use of such name or initials, and
- (c.) are either those of a fictitious person or of some person not bona fide carrying on business in connexion with such goods.

4. *Forging trade mark.*] A person shall be deemed to forge a trade mark who either—

- (a.) without the assent of the proprietor of the trade mark makes that trade mark or a mark so nearly resembling that trade mark as to be calculated to deceive; or
- (b.) falsifies any genuine trade mark, whether by alteration, addition, effacement, or otherwise;

and any trade mark or mark so made or falsified is in this Act referred to as a forged trade mark.

Provided that in any prosecution for forging a

trade mark the burden of proving the assent of the proprietor shall lie on the defendant.

5. *Applying marks and descriptions.*] (1.) A person shall be deemed to apply a trade mark or mark or trade description to goods who—

- (a.) applies it to the goods themselves; or
- (b.) applies it to any covering, label, reel, or other thing in or with which the goods are sold or exposed or had in possession for any purpose of sale, trade, or manufacture; or
- (c.) places, encloses, or annexes any goods which are sold or exposed or had in possession for any purpose of sale, trade, or manufacture, in, with, or to any covering, label, reel, or other thing to which a trade mark or trade description has been applied; or
- (d.) uses a trade mark or mark or trade description in any manner calculated to lead to the belief that the goods in connexion with which it is used are designated or described by that trade mark or mark or trade description.

(2.) The expression "covering" includes any stopper, cork, bottle, vessel, box, cover, capsule, case, frame, or wrapper; and the expression "label" includes any band or ticket.

A trade mark, or mark, or trade description, shall be deemed to be applied whether it is woven, impressed, or otherwise worked into, or annexed, or affixed to the goods, or to any covering, label, reel, or other thing.

(3.) A person shall be deemed to falsely apply to goods a trade mark or mark, who, without the assent of the proprietor of a trade mark applies such trade mark, or a mark so nearly resembling it as to be calculated to deceive, but in any prosecution for falsely applying a trade mark or mark to goods the burden of proving the assent of the proprietor shall lie on the defendant.

6. *Exemption of certain persons employed in ordinary course of business.*] Where a defendant is charged with making any die, block, machine, or other instrument for the purpose of forging, or being used for forging, a trade mark, or with falsely applying to goods any trade mark or any mark so nearly resembling a trade mark as to be calculated to deceive, or with applying to goods any false trade description, or causing any of the things in this section mentioned to be done, and proves—

- (a.) That in the ordinary course of his business he is employed, on behalf of other persons, to make dies, blocks, machines, or other instruments for making, or being used in making, trade marks, or as the case may be, to apply marks or descriptions to goods, and that in the case which is the subject of the charge he was so employed by some person resident in the United Kingdom, and was not interested in the goods by way of profit or commission dependent on the sale of such goods; and
- (b.) That he took reasonable precautions against committing the offence charged; and
- (c.) That he had, at the time of the commission of the alleged offence, no reason to suspect the genuineness of the trade mark, mark, or trade description; and
- (d.) That he gave to the prosecutor all the information in his power with respect to the persons on whose behalf the trade mark, mark, or description was applied—

he shall be discharged from the prosecution, but shall be liable to pay the costs incurred by the prosecutor, unless he has given due notice to him that he will rely on the above defence.

7. *Application of Act to watches.*] Where a watch case has thereon any words or marks which constitute, or are by common repute considered as constituting, a description of the country in which the watch was made, and the watch bears no description of the country where it was made, those words or marks shall prima facie be deemed to be a description of that country within the meaning of this Act, and the provisions of this Act with respect to goods to which a false trade description has been applied, and with respect to selling or exposing for or having in possession for sale, or any purpose of trade or manufacture, goods with a false trade description, shall apply accordingly, and for the purposes of this section the expression "watch" means all that portion of a watch which is not the watch case.

8. *Mark on watch case.*] (1.) Every person who after the date fixed by Order in Council sends or brings a watch case, whether imported or not, to any assay office in the United Kingdom for the purpose of being assayed, stamped, or marked, shall make a declaration declaring in what country or place the case was made. If it appears by such declaration that the watch case was made in some country or place out of the United Kingdom, the assay office shall place on the case such a mark (differing from the mark placed by the office on a watch case made in the United Kingdom), and in such a mode as may be from time to time directed by Order in Council.

(2.) The declaration may be made before an officer of an assay office, appointed in that behalf by the office (which officer is hereby authorised to administer such a declaration), or before a justice of the peace, or a commissioner having power to administer oaths in the Supreme Court of Judicature in England or Ireland, or in the Court of Session in Scotland, and shall be in such form as may be from time to time directed by Order in Council.

(3.) Every person who makes a false declaration for the purposes of this section shall be liable, on conviction on indictment, to the penalties of perjury, and on summary conviction to a fine not exceeding twenty pounds for each offence.

9. *Trade mark how described in pleading.*] In any indictment, pleading, proceeding, or document, in which any trade mark or forged trade mark is intended to be mentioned, it shall be sufficient, without further description and without any copy of facsimile, to state that trade mark or forged trade mark to be a trade mark or forged trade mark.

10. *Rules as to evidence.*] In any prosecution for an offence against this Act,—

(1.) A defendant, and his wife or her husband, as the case may be, may, if the defendant thinks fit, be called as a witness, and, if called, shall be sworn and examined, and may be cross-examined and re-examined in like manner as any other witness.

(2.) In the case of imported goods, evidence of the port of shipment shall be *prima facie* evidence of the place or country in which the goods were made or produced.

11. *Punishment of accessories.*] Any person who, being within the United Kingdom, procures, counsels, aids, abets, or is accessory to the commission, without the United Kingdom, of any act, which, if committed in the United Kingdom, would under this Act be a misdemeanour, shall be guilty of that misdemeanour as a principal, and be liable to be indicted, proceeded against, tried, and convicted in any country or place in the United Kingdom in which he may be, as if the misdemeanour had been there committed.

12. *Search warrant.*] (1.) Where, upon information of an offence against this Act, a justice has issued either a summons requiring the defendant charged by such information to appear to answer to the name, or a warrant for the arrest of such defendant, and either the said justice on or after issuing the summons or warrant, or any other justice, is satisfied by information on oath that there is reasonable cause to suspect that any goods or things by means of or in relation to which such offence has been committed are in any house or premises of the defendant, or otherwise in his possession or under his control in any place, such justice may issue a warrant under his hand by virtue of which it shall be lawful for any constable named or referred to in the warrant, to enter such house, premises, or place at any reasonable time by day, and to search there for and seize and take away those goods or things; and any goods or things seized under any such warrant shall be brought before a court of summary jurisdiction for the purpose of its being determined whether the same are or are not liable to forfeiture under this Act.

(2.) If the owner of any goods or things which, if the owner thereof had been convicted, would be liable to forfeiture under this Act, is unknown or cannot be found, an information or complaint may be laid for the purpose only of enforcing such forfeiture, and a court of summary jurisdiction may cause notice to be advertised stating that, unless cause is shown to the contrary at the time

and place named in the notice, such goods or things will be forfeited, and at such time and place the court, unless the owner or any person on his behalf, or other person interested in the goods or things, shows cause to the contrary, may order such goods or things or any of them to be forfeited.

(3.) Any goods or things forfeited under this section, or under any other provision of this Act, may be destroyed or otherwise disposed of in such manner as the court by which the same are forfeited may direct, and the court may, out of any proceeds which may be realised by the disposition of such goods (all trade marks and trade descriptions being first obliterated), award to any innocent party any loss he may have innocently sustained in dealing with such goods.

13. *Extension of 22 & 23 Vict. c. 17 to offences under this Act.*] The Act of the session of the twenty-second and twenty-third years of the reign of Her present Majesty, chapter seventeen, intitled "An Act to prevent vexatious indictments for certain misdemeanours," shall apply to any offence punishable on indictment under this Act, in like manner as if such offence were one of the offences specified in section one of that Act, but this section shall not apply to Scotland.

14. *Costs of defence or prosecution.*] On any prosecution under this Act the court may order costs to be paid to the defendant by the prosecutor, or to the prosecutor by the defendant, having regard to the information given by and the conduct of the defendant and prosecutor respectively.

15. *Limitation of prosecution.*] No prosecution for an offence against this Act shall be commenced after the expiration of three years next after the commission of the offence, or one year next after the first discovery thereof by the prosecutor, whichever expiration first happens.

16. *Prohibition on importation.*] Whereas it is expedient to make further provision for prohibiting the importation of goods which, if sold, would be liable to forfeiture under this Act; be it therefore enacted as follows:

(1.) All such goods, and also all goods of foreign manufacture bearing any name or trade mark being or purporting to be the name or trade mark of any manufacturer, dealer, or trader in the United Kingdom, unless such name or trade mark is accompanied by a definite indication of the country in which the goods were made or produced, are hereby prohibited to be imported into the United Kingdom, and, subject to the provisions of this section, shall be included among goods prohibited to be imported as if they were specified in section forty-two of the Customs Consolidation Act, 1876 [39 & 40 Vict. c. 36].

(2.) Before detaining any such goods, or taking any further proceedings with a view to the forfeiture thereof under the law relating to the Customs, the Commissioners of Customs may require the regulations under this section, whether as to information, security, conditions, or other matters, to be complied with, and may satisfy themselves in accordance with those regulations that the goods are such as are prohibited by this section to be imported.

(3.) The Commissioners of Customs may from time to time make, revoke, and vary, regulations, either general or special, respecting the detention and forfeiture of goods the importation of which is prohibited by this section, and the conditions, if any, to be fulfilled before such detention and forfeiture, and may by such regulations determine the information, notices, and security to be given, and the evidence requisite for any of the purposes of this section, and the mode of verification of such evidence.

(4.) Where there is on any goods a name which is identical with or a colourable imitation of the name of a place in the United Kingdom, that name, unless accompanied by the name of the country in which such place is situate, shall be treated for the purposes of this section as if it were the name of a place in the United Kingdom.

(5.) Such regulations may apply to all goods the

importation of which is prohibited by this section, or different regulations may be made respecting different classes of such goods or of offences in relation to such goods.

(6.) The Commissioners of Customs, in making and in administering the regulations, and generally in the administration of this section, whether in the exercise of any discretion or opinion, or otherwise, shall act under the control of the Commissioners of Her Majesty's Treasury.

(7.) The regulations may provide for the informant reimbursing the Commissioners of Customs all expenses and damages incurred in respect of any detention made on his information, and of any proceedings consequent on such detention.

(8.) All regulations under this section shall be published in the "London Gazette" and in the "Board of Trade Journal."

(9.) This section shall have effect as if it were part of the Customs Consolidation Act, 1876, and shall accordingly apply to the Isle of Man as if it were part of the United Kingdom.

(10.) Section two of the Revenue Act, 1833 [45 & 47 Vict. c. 53], shall be repealed as from a day fixed by regulations under this section, not being later than the first day of January one thousand eight hundred and eighty-eight, without prejudice to anything done or suffered thereunder.

17. *Implied warranty on sale of marked goods.*] On the sale or in the contract for the sale of any goods to which a trade mark, or mark, or trade description has been applied, the vendor shall be deemed to warrant that the mark is a genuine trade mark and not forged or falsely applied, or that the trade description is not a false trade description within the meaning of this Act, unless the contrary is expressed in some writing signed by or on behalf of the vendor and delivered at the time of the sale or contract to and accepted by the vendee.

18. *Provisions of Act as to false description not to apply in certain cases.*] Where, at the passing of this Act, a trade description is lawfully and generally applied to goods of a particular class, or manufactured by a particular method, to indicate the particular class or method of manufacture of such goods, the provisions of this Act with respect to false trade descriptions shall not apply to such trade description when so applied: Provided that where such trade description includes the name of a place or country, and is calculated to mislead as to the place or country where the goods to which it is applied were actually made or produced, and the goods are not actually made or produced in that place or country, this section shall not apply unless there is added to the trade description, immediately before or after the name of that place or country, in an equally conspicuous manner with that name, the name of the place or country in which the goods were actually made or produced, with a statement that they were made or produced there.

19. *Savings.*] (1.) This Act shall not exempt any person from any action, suit, or other proceeding which might, but for the provisions of this Act, be brought against him.

(2.) Nothing in this Act shall entitle any person to refuse to make a complete discovery, or to answer any question or interrogatory in any action, but such discovery or answer shall not be admissible in evidence against such person in any prosecution for an offence against this Act.

(3.) Nothing in this Act shall be construed so as to render liable to any prosecution or punishment any servant of a master resident in the United Kingdom who bona fide acts in obedience to the instructions of such master, and, on demand made by or on behalf of the prosecutor, has given full information as to his master.

20. *False representation as to Royal Warrant.*] Any person who falsely represents that any goods are made by a person holding a Royal Warrant, or for the service of Her Majesty, or any of the Royal Family, or any Government department, shall be liable, on summary conviction, to a penalty not exceeding twenty pounds.

21. *Application of Act to Scotland.*] In the ap-



location of this Act to Scotland the following modifications shall be made:

The expression "Summary Jurisdiction Acts" means the Summary Procedure Act, 1864, and any Acts amending the same.

The expression "justice" means sheriff.

The expression "court of summary jurisdiction" means the Sheriff Court, and all jurisdiction necessary for the purpose of this Act is hereby conferred on sheriffs.

22. *Application of Act to Ireland.*] In the application of this Act to Ireland, the following modifications shall be made:

The expression "Summary Jurisdiction Acts" means, so far as respects the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace of such district, and as regards the rest of Ireland means the Petty Sessions (Ireland) Act, 1851 [14 & 15 Vict. c. 93], and any Act amending the same.

The expression "court of summary jurisdiction" means justices acting under those Acts.

23. *Repeal of 25 & 26 Vict. c. 88.*] The Merchandise Marks Act, 1862, is hereby repealed, and any unenacted enactment referring to any enactment so repealed shall be construed to apply to the corresponding provision of this Act; provided that this repeal shall not affect—

- (a.) any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed; nor
- (b.) the institution or continuance of any proceeding or other remedy under any enactment so repealed for the recovery of any penalty incurred, or for the punishment of any offence committed, before the commencement of this Act; nor
- (c.) any right, privilege, liability, or obligation acquired, accrued, or incurred under any enactment hereby repealed.

### CAP. XXIX.

An Act for the better Prevention of the Fraudulent Sale of Margarine.

[23rd August 1887.]

Whereas it is expedient that further provision should be made for protecting the public against the sale as butter of substances made in imitation of butter, as well as of butter mixed with any such substances:

Be it therefore enacted, &c.:

1. *Short title.*] This Act may be cited as the Margarine Act, 1887.

2. *Commencement of Act.*] This Act shall come into operation on the first day of January one thousand eight hundred and eighty-eight.

3. *Definition.*] The word "butter" shall mean the substance usually known as butter, made exclusively from milk or cream, or both, with or without salt or other preservative, and with or without the addition of colouring matter.

The word "margarine" shall mean all substances, whether compounds or otherwise, prepared in imitation of butter, and whether mixed with butter or not, and no such substance shall be lawfully sold, except under the name of margarine, and under the conditions set forth in this Act.

4. *Penalty.*] Every person dealing in margarine, whether wholesale or retail, whether a manufacturer, importer, or as consignee or consignee, or as commission agent or otherwise, who is found guilty of an offence under this Act, shall be liable on summary conviction for the first offence to a fine not exceeding twenty pounds, and for the second offence to a fine not exceeding fifty pounds, and for the third or any subsequent offence to a fine not exceeding one hundred pounds.

5. *Exemption from penalty.*] Where an employer is charged with an offence against this Act he shall be entitled, upon information duly laid by him, to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge, and if, after the commission of the offence has been proved, the employer proves to the satisfaction of

the court that he had used due diligence to enforce the execution of this Act, and that the said other person had committed the offence in question without his knowledge, consent, or connivance, the said other person shall be summarily convicted of such offence, and the employer shall be exempt from any penalty.

6. *Marking of cases.*] Every person dealing in margarine in the manner described in the preceding section shall conform to the following regulations:

Every package, whether open or closed, and containing margarine, shall be branded or durably marked "Margarine" on the top, bottom, and sides, in printed capital letters, not less than three quarters of an inch square; and if such margarine be exposed for sale, by retail, there shall be attached to each parcel thereof so exposed, and in such manner as to be clearly visible to the purchaser, a label marked in printed capital letters not less than one and a half inches square, "Margarine"; and every person selling margarine by retail, save in a package duly branded or durably marked as aforesaid, shall in every case deliver the same to the purchaser in or with a paper wrapper, on which shall be printed in capital letters, not less than a quarter of an inch square, "Margarine."

7. *Presumption against vendor.*] Every person dealing with, selling, or exposing, or offering for sale, or having in his possession for the purpose of sale, any quantity of margarine contrary to the provisions of this Act, shall be liable to conviction for an offence against this Act, unless he shows to the satisfaction of the court before whom he is charged that he purchased the article in question as butter, and with a written warranty or invoice to that effect, that he had no reason to believe at the time when he sold it that the article was other than butter, and that he sold it in the same state as when he purchased it, and in such case he shall be discharged from the prosecution, but shall be liable to pay the costs incurred by the prosecutor unless he shall have given due notice to him that he will rely upon the above defence.

8. *Margarine imported or manufactured.*] All margarine imported into the United Kingdom of Great Britain and Ireland, and all margarine whether imported or manufactured within the United Kingdom of Great Britain and Ireland, shall, whenever forwarded by any public conveyance, be duly consigned as margarine; and it shall be lawful for any officer of Her Majesty's Customs or Inland Revenue, or any medical officer of health, inspector of nuisances, or police constable, authorised under section thirteen of the Sale of Food and Drugs Act, 1875 [38 & 39 Vict. c. 63], to procure samples for analysis if he shall have reason to believe that the provisions of this Act are infringed on this behalf, to examine and take samples from any package, and ascertain, if necessary by submitting the same to be analysed, whether an offence against this Act has been committed.

9. *Registration of manufactory.*] Every manufactory of margarine within the United Kingdom of Great Britain and Ireland shall be registered by the owner or occupier thereof with the local authority from time to time in such manner as the Local Government Boards of England and Ireland and the Secretary for Scotland respectively may direct, and every such owner or occupier carrying on such manufacture in a manufactory not duly registered shall be guilty of an offence under this Act.

10. *Power to inspectors to take samples without purchase.*] Any officer authorised to take samples under the Sale of Food and Drugs Act, 1875, may, without going through the form of purchase provided by that Act, but otherwise acting in all respects in accordance with the provisions of the said Act as to dealing with samples, take for the purposes of analysis samples of any butter, or substance purporting to be butter, which are exposed for sale, and are not marked Margarine, as provided by this Act; and any such substance not being so marked shall be presumed to be exposed for sale as butter.

11. *Appropriation of penalties.*] Any part of any penalty recovered under this Act may, if the Court shall so direct, be paid to the person who proceeds

for the same, to reimburse him for the legal costs of obtaining the analysis, and any other reasonable expenses to which the Court shall consider him entitled.

12. *Proceedings.*] All proceedings under this Act shall, save as expressly varied by this Act, be the same as prescribed by sections twelve to twenty-eight inclusive of the Sale of Food and Drugs Act, 1875, and all officers employed under that Act are hereby empowered and required to carry out the provisions of this Act.

13. *Definition of local authority.*] The expression "local authority" shall mean any local authority authorised to appoint a public analyst under the Sale of Food and Drugs Act, 1875.

### CAP. XXX.

An Act to amend the Settled Land Act (1882). [23rd August 1887.]

Whereas by the twenty-first section of the Settled Land Act, 1882 (in this Act referred to as the Act of 1882), it is provided that capital money arising under that Act may be applied in payment for any improvement by that Act authorised:

Be it therefore enacted, &c.:

1. *Amendment of sec. 21 of the Settled Land Act, 1882.*] Where any improvement of a kind authorised by the Act of 1882 has been or may be made either before or after the passing of this Act, and a rentcharge, whether temporary or perpetual, has been or may be created in pursuance of any Act of Parliament, with the object of paying off any moneys advanced for the purpose of defraying the expenses of such improvement, any capital money expended in redeeming such rentcharge, or otherwise providing for the payment thereof, shall be deemed to be applied in payment for an improvement authorised by the Act of 1882.

2. *Section 28 of the Settled Land Act, 1882, to apply to improvements within preceding section.*] Any improvement in payment for which capital money is applied or deemed to be applied under the provisions of the preceding section shall be deemed to be an improvement within the meaning of section twenty-eight of the Act of 1882, and the provisions of such last-mentioned section shall, so far as applicable, be deemed to apply to such improvement.

3. *Short title.*] This Act shall be construed as one with the Settled Land Act, 1882, and the Settled Land Act, 1884, and may be cited together with those Acts as the Settled Land Acts, 1882 to 1887, and separately as the Settled Land Acts (Amendment) Act, 1887.

### CAP. XXXI.

An Act further to amend the Acts relating to the raising of Money by the Metropolitan Board of Works; and for other purposes.

[23rd August 1887.]

Sections.

1. Short title.
2. Construction of Act.
3. Interpretation.
4. Amendment of 49 & 50 Vict. c. 44, s. 8 and s. 10, sub-sections (c), (f), (g), (h), and (i).
5. Power to expend moneys for the purposes of the Metropolitan Board of Works (Various Powers) Act, 1887, the Thames Tunnel (Blackwall) Act, 1887, the Artisans, &c. Acts, and the London Parks and Works Act, 1887.
6. Composition for stamp duties.
7. Power to lend to the Vestry of Saint Pancras.
8. Power to lend to the Receiver of the Metropolitan Police.
9. Power to expend moneys for sundry purposes during year 1888.
10. Special power to expend money for purposes of main drainage and main sewers.
11. Power to lend to vestries, district boards, corporations, commissioners, burial boards, or other public bodies.
12. Power to lend to boards of guardians.
13. Extension of amount of loans to the Managers of Metropolitan Asylum District.
14. Power to lend to School Board for London.
15. Protection of Board in case of certain loans.
16. Power to raise consolidated stock.



17. Power for Board after issue of stock to apply moneys raised by stock to make up dividends from fixed dates.
18. Board may raise money by bills.
19. Form and length of currency and interest on metropolitan bills.
20. Payment and applications of proceeds of metropolitan bills and charge of bills on consolidated rate.
21. Sections 18 & 19 and 21 & 22 of 46 & 47 Vict. c. 27 to apply to metropolitan bills under this Act.
22. Power to create consolidated stock partially suspended while metropolitan bills authorised to be raised.
23. 32 & 33 Vict. c. 102, s. 38, not to extend to moneys raised under this Act.
24. Repayments to be carried to consolidated loans fund.
25. Limit to exercise of borrowing powers.
26. Incorporation of sections 27 to 43 of 48 & 49 Vict. c. 50. Schedules.

## CAP. XXXII.

An Act for extending certain Provisions of the Metropolitan Open Spaces Acts, 1877 and 1881, with Amendments, to Sanitary Districts throughout England, Wales, and Ireland; and for other purposes.

23rd August 1887.]

Whereas by the Metropolitan Open Spaces Acts, 1877 [40 & 41 Vict. c. 35] and 1881 [44 & 45 Vict. c. 34] (herein called the principal Acts), certain facilities were provided for making available the open spaces and burial grounds in the Metropolis for the use of the inhabitants thereof for exercise and recreation, and it is expedient to provide facilities for making available open spaces and burial grounds in all sanitary districts in England, Wales, and Ireland, for the like use of the inhabitants thereof, and to make other provisions for the purpose aforesaid, and also to amend the Metropolitan Open Spaces Act, 1881, and the Disused Burial Grounds Act, 1884 [47 & 48 Vict. c. 72].

Be it therefore enacted, &c. :

1. *Interpretation.* In this Act, unless the context otherwise requires, the expression "urban sanitary district" and the expression "urban authority" respectively, and the expressions "rural sanitary district" and "rural authority" respectively shall have the meanings assigned to them respectively by the Public Health Act, 1875 [38 & 39 Vict. c. 55].

2. *Amendment of 44 & 45 Vict. c. 34.* (1.) The Metropolitan Open Spaces Act, 1881, is hereby repealed to the extent mentioned in the Schedule to this Act, and the second section of the said Act is hereby amended, as follows (that is to say), the purchase money paid for or in respect of the purchase of any open space as therein mentioned shall be held in trust, either as in the said section mentioned, or as the case may be, for the benefit of the objects to which any rates previously imposed in respect of such open space had been applied.

(2.) The playing of any games or sports shall not be allowed in any churchyard, cemetery, or burial ground in or over which any estate, interest, or control is acquired under section five of the Metropolitan Open Spaces Act, 1881.

Provided that—

- (a.) In the case of consecrated ground, the bishop, by any license or faculty granted under the Metropolitan Open Spaces Act or this Act, and
  - (b.) In the case of any churchyard, cemetery, or burial ground which is not consecrated, the body from which any such estate, interest, or control as aforesaid is acquired
- may expressly sanction any such use of the ground, and may specify any conditions as to the extent or manner of such use.

3. *Provision as to removal of tombstones and monuments.* In the case of any disused churchyard, cemetery, or burial ground, at least three months before any tombstone or monument is moved, the following steps shall be taken:

- (a.) A statement shall be prepared sufficiently

describing by the name and date appearing thereon the tombstones and monuments standing or being in the ground, and such other particulars as may be necessary;

- (b.) Such statements shall be deposited with the clerk of the board or vestry, and shall be open to inspection by all persons;
- (c.) An advertisement of the intention to remove or change the position of such tombstones and monuments shall be inserted three times at least in some newspaper circulating in the neighbourhood of the burial ground, and such advertisement shall give notice of the deposit of such statement as is hereinbefore described, and of the hours within which the same may be inspected;
- (d.) A notice in terms similar to the advertisement shall be placed on the door of the church (if any) to which such churchyard, cemetery, or burial ground is attached, and shall be delivered or sent by post to any person known or believed by the board or vestry to be a near relative of any person whose death is recorded on any such tombstone or monument.

In the case of any consecrated ground no application for a faculty shall be made until the expiration of one month at least after the appearance of the last of such advertisements as aforesaid.

Provided that on any application for a faculty, nothing shall prevent the bishop from directing or sanctioning the removal of any tombstone or monument if he is of opinion that reasonable steps have been taken to bring the intention to effect such removal to the notice of some person having a family interest in such removal.

4. *Amendment of 47 & 48 Vict. c. 72.* In the Disused Burial Grounds Act, 1884, and this Act, the expression "burial ground" shall have the same meaning as in the Metropolitan Open Spaces Act, 1881, as amended by this Act, and the expression "disused burial ground" shall mean any burial ground which is no longer used for interments, whether or not such ground shall have been partially or wholly closed for burials under the provisions of any statute or Order in Council, and the expression "building" shall include any temporary or moveable building.

5. *Extension of certain provisions of Metropolitan Open Spaces Acts to urban and certain rural sanitary districts.* All the provisions of the principal Acts as amended by this Act (except sections four, five, six, seven, and eight of the Metropolitan Open Spaces Act, 1877, and so much of section six of the Metropolitan Open Spaces Act, 1881, as begins with the words "byelaws made under this Act" and ends with the figures "1855," and also except sections ten, eleven, twelve, and thirteen of the last-mentioned Act), shall extend and be applicable to and in respect of any and every urban sanitary district, and any and every rural sanitary district in respect of which the sanitary authority shall have been invested by an order of the Local Government Board with the powers of this Act, and to the open spaces and burial grounds in such districts respectively; and for the purpose of such extension and application to every such district, every urban authority and every such rural authority shall have and may exercise, and there shall be vested in such authority in and for its district, all and every or any such powers, authorities, and capacities in respect of, or in relation to, open spaces or burial grounds within such district as the Metropolitan Board of Works, herein called the Metropolitan Board, by virtue of the principal Acts as amended by this Act have or may exercise or enjoy with regard to open spaces or burial grounds within the Metropolis or any of them; and for the purposes of this Act and in respect of any and every open space or burial ground within any such sanitary district, and of any and every such authority, the principal Acts shall be read and take effect as if the word "Metropolis" when used therein meant the same sanitary district, and as if the words "Metropolitan Board" and "Board" when used therein meant the sanitary authority of the same district, and as if the words "any two or more London daily papers," whenever they occur therein, meant "any two or more local newspapers circulating within the sanitary district."

6. *Extension of 40 & 41 Vict. c. 35 to vestries and district boards.* All powers and duties conferred upon the Metropolitan Board by the Metropolitan Open Spaces Act, 1877, may, after the passing of this Act, be exercised and performed by any vestry or district board of works for the parishes and districts specified in Schedules A. and B. of the Metropolis Management Act, 1855, as amended by subsequent Acts.

7. *Power of corporation to make free gift of land for open space.* Any corporation other than municipal corporations or body of persons having power, either with or without the consent of any other corporation or body of persons, to sell land belonging to such corporation or body may, but with the like consent (if any), convey, for valuable or nominal consideration or by way of gift, to any urban or rural authority such land, or any part thereof, for the purpose of the same being preserved as an open space for the enjoyment of the public, and may so convey the same with or without conditions, and the urban or rural authority may accept such open space, and, if conditions are imposed, subject to such conditions, and such open space shall be deemed to be an open space within the meaning of the principal Acts and this Act.

Where a corporation having power under this section to convey land are themselves the urban or rural authority, this section shall enable such authority to appropriate their land for an open space, and shall, with the necessary modifications, apply to such appropriation in like manner as it applies to the conveyance.

8. *Expenses.* (1.) All expenses incurred under this Act by an urban or a rural authority shall be deemed to have been incurred in the execution of the Public Health Act, 1875, and shall be defrayed accordingly, and the purposes of this Act shall be deemed to be the purposes of the Public Health Act, 1875.

(2.) Provided that the expenses incurred by a rural authority shall be deemed to be special expenses under that Act incurred in respect of the contributory place or places for which the powers of this Act are exercised, and all the provisions of the Public Health Act, 1875, which would be applicable in the case of an apportionment of special expenses, for works for the common benefit of two or more contributory places, shall apply to any such expenses.

9. *Saving for Crown lands.* This Act shall not extend to any land belonging to Her Majesty in right of Her Crown or of Her Duchy of Lancaster, or to any garden or ornamental ground for the time being under the management of the Commissioners for the time being of Her Majesty's Works and Public Buildings.

10. *Byelaws.* All the provisions with respect to byelaws contained in sections one hundred and eighty-two to one hundred and eighty-six (both inclusive) of the Public Health Act, 1875, shall apply to all byelaws from time to time made by an urban or rural authority under the powers of this Act, and the penalties imposed by any such byelaws may be recovered in a summary manner.

11. *Power over open spaces already vested in sanitary authority.* The Metropolitan Board or the sanitary authority may exercise all the powers given to them by the Metropolitan Open Spaces Act, 1881, or this Act respecting open spaces, churchyards, cemeteries, and burial grounds transferred to them in pursuance of the said Act or of this Act in respect of any open spaces, churchyards, cemeteries, and burial grounds of a similar nature which are or shall be vested in them in pursuance of any other statute, or of which they are otherwise the owners.

12. *Power of Metropolitan Board with respect to public walks or pleasure grounds.* The Metropolitan Board may purchase or take on lease, lay out, plant, improve, and maintain lands for the purpose of being used as public walks or pleasure grounds, and may support or contribute to the support of public walks or pleasure grounds provided by any person whomsoever.

13. *Extension of Acts to Ireland.* The principal Acts and this Act shall apply to Ireland, subject to the following provisions:

In the said Acts—

References to the Public Health Act, 1875, shall be construed as references to the Public Health (Ireland) Act, 1878 [41 & 42 Vict. c. 52], and the reference to sections one hundred and eighty-two to one hundred and eighty-six of the first-mentioned Act shall be construed as referring to sections two hundred and nineteen to two hundred and twenty-three of the latter Act.

Reference to any private or local Act of Parliament shall be construed so as to include any Act of the Parliament of Ireland.

References to a "vestry," "district board," "corporation," or "Metropolitan Board," shall be construed as references to the sanitary authority.

References to the London daily papers shall be construed as references to any newspapers, daily or weekly, circulating within the district of the sanitary authority.

References to Her Majesty's Council shall be construed as references to Her Majesty's Privy Council in Ireland.

References to the Local Government Board shall be construed as references to the Local Government Board for Ireland.

References to the Lands Clauses Act, 1845, shall be construed as references to that Act, as amended by the Lands Clauses Consolidation Acts Amendment Act, 1860 [23 & 24 Vict. c. 106], the Railways (Ireland) Act, 1851 [14 & 15 Vict. c. 70], the Railways (Ireland) Act, 1860 [23 & 24 Vict. c. 97], the Railways (Ireland) Act, 1864 [27 & 28 Vict. c. 71], and the Railways Traverse Act [31 & 32 Vict. c. 70].

Nothing contained in the principal Acts or in this Act shall apply to any land for the time being under the management of the Commissioners of Public Works in Ireland, or belonging to the Benchers of the King's Inns in Dublin.

14. *Short title and construction.* This Act may be cited as the Open Spaces Act, 1887, and may be read with the principal Acts as one Act.

#### SCHEDULE.

Portions of the Metropolitan Open Spaces Act, 1881, repealed.

In section one, the following words occurring in the definition of an "open space," viz., "but shall not include any enclosed land which has not a public road or footpath completely round the same."

In the same section, the following words occurring in the definition of a "burial ground," viz., "and in which interments have taken place since the year 1800."

In the second paragraph of section five, the words, "but such metropolitan board, vestry, or district board shall not allow the playing of any games or sports therein."

#### CAP. XXXIII.

An Act to amend the Land Law (Ireland) Act, 1881, and the Purchase of Land (Ireland) Act, 1885, and for other purposes connected therewith. [23rd August 1887.]

#### CAP. XXXIV.

An Act for the transfer to the Metropolitan Board of Works and the maintenance of certain Public Parks and Works in the Metropolis. [23rd August 1887.]

1. *Short title.*
2. *Transfer of certain London parks and works—viz., Victoria Park, Battersea Park, Kensington Park, Bethnal Green Museum Garden, and Chelsea Embankment—to the Metropolitan Board of Works.*
3. *Byelaws.*
4. *Cesser of obligations of Commissioners of Works.*
5. *Amendment of 35 & 36 Vict. c. 53.*
6. *Transfer of officers.*
7. *Date of transfer—viz., 1st November, 1887.*

#### SCHEDULE. ACTS REPEALED.

Session and Chapter.	Title.	Extent of Repeal.
7 Geo. 4. c. 58 -	An Act to amend the laws relating to the corps of Yeomanry Cavalry and Volunteers in Great Britain.	Section five and Table B.
26 & 27 Vict. c. 65 -	An Act to consolidate and amend the Acts relating to the Volunteer Force in Great Britain.	Section forty-seven, and the part of the Schedule headed "V. Allowances to clerks."

#### CAP. XXXVII.

An Act to grant money for the purpose of certain Local Loans; and for other purposes relating to Local Loans. [16th September 1887.]

#### CAP. XXXVIII.

An Act to provide for the earlier closing of premises licensed for the sale of Exciseable Liquors in Scotland. [16th September 1887.]

#### CAP. XXXIX.

An Act to make provision for altering and varying Lunacy Districts in Scotland. [16th September 1887.]

#### CAP. XL.

An Act to amend the Acts relating to Savings Banks and to the Purchase of Small Government Annuities, and to assuring Payments of Money after Death. [16th September 1887.]  
Be it enacted, &c.:

#### PART I.

##### Post Office Savings Banks.

1. *Extension of power of Postmaster-General to make regulations for post office savings banks.* Whereas

the Post Office Savings Banks Act, 1861 [24 & 25 Vict. c. 14], declared that the enactments then in force relating to trustee savings banks, as to matters for which no other provision was made by that Act, should be deemed applicable to that Act, so far as such enactments were not repugnant to that Act, and the enactments so applied included those mentioned in the third column of the First Schedule to this Act, and the enactments mentioned in that schedule, which were in force in 1863, were, so far as regards trustee savings banks, repealed and consolidated by the Trustee Savings Banks Act, 1863 [26 & 27 Vict. c. 87], and were amended by the Provident Nominations and Small Intestacies Act, 1883 [46 & 47 Vict. c. 47]:

And whereas under section eleven of the Post Office Savings Banks Act, 1861, and subsequent Acts relating to post office savings banks, the Postmaster-General, with the consent of the Treasury, has power to make regulations with respect to the making of deposits in post office savings banks, and matters incidental to the carrying of the said Acts into execution, and for the other purposes in the said Acts mentioned:

And whereas it is expedient to extend the power of the Postmaster-General with respect to the said regulations: Be it therefore enacted as follows:—

(1.) The regulations made by the Postmaster-General with the consent of the Treasury in pursuance of the Post Office Savings Banks Act, 1861, and of other Acts relating to post office savings banks, may provide—

#### CAP. XXXV.

An Act to simplify and amend the Criminal Law of Scotland and its Procedure and to alter the Constitution of the Judiciary and Sheriff Courts in Scotland. [16th September 1887.]

#### CAP. XXXVI.

An Act for amending the Allowances payable to Clerks of General Meetings of Lieutenancy. [16th September 1887.]

Whereas under the enactments specified in the schedule to this Act the clerks of the general and sub-division meetings of lieutenancy are entitled to certain allowances in respect of duties under the laws relating to the Yeomanry and to the Volunteer force; and it is expedient that those allowances be reduced in the case of clerks who have accepted office with notice that their allowances are liable to reduction and be abolished in the case of clerks hereafter appointed:

Be it therefore enacted, &c.:

1. *Short title.* This Act may be cited as the Lieutenancy Clerks Allowances Act, 1887.

2. *Reduction and gradual abolition of allowances of lieutenancy clerks.* (1) A clerk of general or sub-division meetings of lieutenancy, if first appointed after the passing of this Act, shall not be entitled to any allowance under the enactments specified in the schedule to this Act.

(2) Where any such clerk has accepted office with notice that his allowances under the said enactments are liable to reduction, those allowances may be reduced by such amount as appears to one of Her Majesty's Secretaries of State to be equitable.

(3) The enactments specified in the schedule to this Act are hereby repealed to the extent in the third column of that schedule mentioned, except as to clerks first appointed before the passing of this Act.

- (a.) for the payment or transfer of sums in any post office savings bank which belong to persons appearing to be minors or of unsound mind, or form part of the personal estate of any person appearing to be deceased, and
  - (b.) for the transfer of deposits from one account to another account, whether an existing or a new account, and
  - (c.) for determining the evidence to be accepted by the Postmaster-General of any matter for the purpose of the payment or transfer of any sum, and
  - (d.) for determining the receipts which are to be a good discharge to the Postmaster-General in the case of the payment or transfer of any sum, and
  - (e.) for applying to post office savings banks all or any of the enactments of the Trustee Savings Banks Act, 1863 [26 & 27 Vict. c. 87], either without modification or with such modification as may seem necessary or proper for the better execution of the Post Office Savings Banks Act, 1861, and subsequent Acts relating to post office savings banks.
- (2.) Provided that such regulations shall prohibit a person from being a depositor in both a trustee and a post office savings bank, or from having two separate accounts in the post office savings bank, and shall require such declaration from a depositor as may be necessary for pre-



venting his having such two accounts, and shall provide for the forfeiture, under the conditions specified in the regulations, of money due to the depositor in the event of such declaration being false.

2. *Regulations for trustee savings banks.* The Treasury shall from time to time make, revoke, alter, or add to regulations for the purpose of extending to trustee savings banks any regulation made in pursuance of this Act with respect to post office savings banks so far as those regulations provide—

- (a.) for the payment or transfer of sums which belong to persons appearing to be minors or of unsound mind, or form part of the personal estate of any person appearing to be deceased; or
- (b.) for the transfer of deposits from one account to another account, whether an existing or a new account; or
- (c.) for determining the evidence to be accepted of any matter for the purpose of the payment or transfer of any sum; or
- (d.) for determining the receipts which are to be a good discharge in the case of the payment or transfer of any sum.

3. *Regulations as to deposit of deceased depositor.* (1.) The regulations made in pursuance of this Act may also provide—

- (a.) for the nomination by a depositor not being under sixteen years of age of any person or persons to whom any sum or sums not exceeding in the aggregate one hundred pounds payable to such depositor at his decease (including any portion of any annuity or accrued interest payable to the representatives of such depositor) is or are to be paid at such decease, and
- (b.) for the revocation of such nomination and for the payment of the specified amount to any nominee so nominated, and
- (c.) for the effect and construction of such nomination in the event of the sums due to the depositor exceeding one hundred pounds, and may provide for it taking effect as respects an amount or amounts not exceeding one hundred pounds in like manner as if it were a will of the deceased duly executed, and that notwithstanding want of due execution, minority, or marriage.

(2.) Where the sum in a savings bank which forms part of the personal estate of a person appearing to be deceased does not exceed one hundred pounds, then, if the regulations under this Act so provide, and subject to such regulations, probate, or other proof of the title of the personal representative of the deceased person may be dispensed with, and such sum may be paid or distributed to or among the persons appearing in manner provided by the said regulations to be beneficially entitled to the personal estate of such deceased person, whether under such nomination of the deceased person as is allowed by the regulations, or by law, or as next of kin, or as creditors, or otherwise, or to or among any one or more of such persons, exclusively of the others, or in case of any illegitimacy of the deceased person or his children, to or among such person or persons as may be directed by the said regulations, and the person making such payment shall be

discharged from all liability in respect of the sum paid in accordance with the said regulations.

4. *Laying of regulations before Parliament.* The draft of all regulations proposed to be made in pursuance of this Act shall be laid before both Houses of Parliament for not less than forty days before they are made, and all such regulations when made shall come into operation at the time therein mentioned, and shall be binding on all persons as if they were enacted in this Act.

5. *Amendment of 43 & 44 Vict. c. 36 as to minimum sum of stock to be invested.* The minimum amount of Government stock in which a deposit may be invested in pursuance of the Savings Banks Act, 1880, shall be such amount as may be from time to time fixed by regulations made in pursuance of that Act, and the amount so fixed for the time being shall be substituted for ten pounds stock or stock of the value of ten pounds, wherever reference is made to that amount of stock in the said Act and Acts amending the same.

6. *Exception of money invested in computing annual maximum.* When any sums not deposited for immediate investment are invested by any savings bank authority, on the request of the depositor, in any Government stock, any sums previously deposited in the same savings bank year by such depositor shall not, except so far as they exceed in the aggregate the sums invested in that year, be reckoned in computing the maximum amount which is allowed to be deposited in that year.

7. *Amendment of 43 & 44 Vict. c. 36 as to investments for lunatics and minors.* Regulations made under the Savings Banks Act, 1880, may provide for the investment in Government stock in accordance with that Act of sums standing to the account of a depositor who is a minor or a lunatic.

8. *Construction of part of Act.* (1.) Expressions in this part of this Act shall have the same meaning as they have in the Savings Banks Act, 1880.

(2.) So much of any enactment of the Savings Banks Act, 1880, and of the Government Annuities Act, 1882 [45 & 46 Vict. c. 51], and of any other enactment as applies for the purposes of such enactment or Act the enactments relating to savings banks, and the regulations made in pursuance of those enactments, shall be deemed to apply for the same purposes this part of this Act, and save as otherwise provided by regulations under this part of this Act, shall be deemed also to apply for the same purposes those regulations.

## PART II.

### Government Annuities.

9. *Amendment of 45 & 46 Vict. c. 51, s. 8, as to insurance on life of third person.* Notwithstanding anything in section eight of the Government Annuities Act, 1882, a savings bank annuity depending on the life of any person may, under such circumstances as are permitted by the regulations made under the Government Annuities Act, 1884 [27 & 28 Vict. c. 43], as amended by the above-mentioned Act, be granted to any other person, and when so granted may be transferred, so however, that the amount of annuity or annuities granted on the life of any person do not exceed in the whole the amount of any annuity which could have been granted to such person.

## THE FIRST SCHEDULE.

ENACTMENTS RELATING TO POST OFFICE SAVINGS BANKS REFERRED TO AND REPEALED.

Session and Chapter.	Title.	Enactment referred to and repealed.
9 Geo. 4. c. 92	An Act to consolidate and amend the laws relating to savings banks.	Section twenty-five (savings of minors may be invested). Section twenty-nine (receipt of treasurer, &c., of friendly society or charitable institution deemed sufficient). Section thirty-two (no sum to be subscribed without name and profession of the depositor). Section thirty-three (persons allowed to subscribe as trustees on behalf of others). Section thirty-four (subscribers to one savings bank shall not subscribe to any other, and declaration to be made, and penalty for false declaration). Section forty (payment on death of depositor). Section forty-one (exemption from stamp duty and distribution of effects where under fifty pounds). Section forty-two (payment to persons appearing to be next-of-kin). Section forty-three (payment under probate). Section forty-four (exemption of powers of attorney from stamp duty).

## PART III.

### Supplemental.

10. *Price of certificate of birth, death, or marriage.* For the purpose of the Acts relating to Post Office Savings Banks or to trustee savings banks, and of the Government Annuities Acts, 1829 to 1882, a certificate of the birth or death or marriage of any depositor, or of any person insured under any of the above-mentioned Acts, shall be given under his hand by a registrar of births and deaths or marriages, or other person having the care of the register in which such birth or death or marriage is entered for a sum not exceeding one shilling in place of all fees or payments in respect of the same, on application being made for the same in such form and under such regulations as may be from time to time approved of by the Registrar-General of Births, Deaths, and Marriages for England, Scotland, and Ireland respectively.

11. *Repeal.* The Acts mentioned in the First Schedule to this Act shall, to the extent in the third column of that Schedule mentioned, be repealed as from the date at which any regulations with respect to post office savings banks made in pursuance of Part One of this Act come into operation.

Provided that the repeal by this section shall not affect anything previously done or suffered in pursuance of any enactment hereby repealed.

The Acts mentioned in the Second Schedule to this Act shall, to the extent in the third column of that schedule mentioned, be repealed as from the date at which any regulations with respect to trustee savings banks made in pursuance of Part One of this Act come into operation.

12. *Short title.* This Act may be cited as the Savings Banks Act, 1887.

The following Acts and enactments, that is to say:—

(a.) The Post Office Savings Banks Act, 1861 [24 & 25 Vict. c. 14];

(b.) The enactments applied by that Act which are for the time being in force;

(c.) Section one of the Act of the session of the twenty-sixth and twenty-seventh years of the reign of Her present Majesty, chapter 14, intitled "An Act to amend the law relating to Post Office Savings Banks";

(d.) The Post Office Savings Banks Act, 1874 [37 & 38 Vict. c. 73];

(e.) The Savings Banks Act, 1880 [43 & 44 Vict. c. 36], so far as it relates to post office savings banks; and

(f.) Parts One and Three of this Act, may be cited together as the Post Office Savings Bank Acts, 1861 to 1887.

The Government Annuities Acts, 1829 [10 Geo. 4. c. 24] to 1882 [45 & 46 Vict. c. 51], and Parts Two and Three of this Act, may be cited together as the Government Annuities Acts, 1829 to 1887.

13. *Extension of Acts to Channel Islands.* The Post Office Savings Bank Acts, 1861 to 1887, and the Government Annuities Acts, 1829 to 1887, shall extend to the Channel Islands and the Isle of Man, and the Royal Courts of the Channel Islands shall register the same.



Session and Chapter.	Title.	Enactment referred to and repealed.
5 & 6 Will. 4 c. 57 -	An Act to extend to Scotland certain provisions of an Act of the ninth year of His late Majesty, to consolidate and amend the laws relating to savings banks, and to consolidate and amend the laws relating to savings banks in Scotland.	Section four (application of the law of Scotland as regards payment to relations of deceased depositor).
7 & 8 Vict. c. 83 -	An Act to amend the laws relating to savings banks, and to the purchase of Government annuities through the medium of savings banks.	Section three (declaration by depositors on first deposit). Section five (production of book by depositor). Section seven (trust accounts). Section ten (payment of deposit of deceased depositor when not exceeding fifty pounds). Section eleven (payment of deposit of deceased depositor being illegitimate and intestate). Section twenty (application to Scotland of provisions respecting probate).
46 & 47 Vict. c. 47 -	The Provident Nominations and Small Intestacies Act, 1883.	Section three, so far as it relates to post office savings banks (raising of fifty pounds to one hundred pounds). Section four, so far as it relates to post office savings banks (printing of nominations). Section five, so far as it relates to depositors in post office savings banks (nominating person to receive deposit not exceeding one hundred pounds). Section ten, so far as it relates to post office savings banks (provisions relating to legacy and probate duty). Section eleven, so far as it relates to post office savings banks (application to Channel Islands and Isle of Man).

THE SECOND SCHEDULE.

ENACTMENTS RELATING TO TRUSTEE SAVINGS BANKS REFERRED TO AND REPEALED.

Session and Chapter.	Title.	Extent of Repeal.
26 & 27 Vict. c. 87 -	The Trustee Savings Banks Act, 1863.	Sections forty-three, forty-four, forty-five, and forty-six.
46 & 47 Vict. c. 47 -	The Provident Nominations and Small Intestacies Act, 1883.	Section three, so far as it relates to trustee savings banks (raising of fifty pounds to one hundred pounds). Section four, so far as it relates to trustee savings banks (printing of nominations). Section five, so far as it relates to depositors in trustee savings banks (nominating person to receive deposit not exceeding one hundred pounds). Section ten, so far as it relates to trustee savings banks (provisions relating to Legacy and Probate Duty). Section eleven, so far as it relates to trustee savings banks (application to Channel Islands and Isle of Man).

CAP. XLI.

An Act to remove doubts as to the appointment of the Sheriff of Lanarkshire, and to confirm the same. [16th September 1887.]

CAP. XLII.

An Act to amend and consolidate the Public Libraries (Scotland) Acts. [16th September 1887.]

CAP. XLIII.

An Act to amend the Stannaries Act, 1869, and for other purposes relating thereto. [16th September 1887.]

Be it enacted, &c. :

Preliminary.

1. *Short title.*] This Act may be cited as the Stannaries Act, 1887.

2. *Interpretation.*] In this Act—

The term "the stannaries" means the stannaries of Cornwall and Devon:

The term "vice-warden" means the vice-warden of the stannaries for the time being:

"Court" means the vice-warden's court:

The "registrars" means the registrars for the time being of the court:

The term "company" means any persons or partnership body, joint stock company, company constituted under the Companies Act, 1862 [35 & 36 Vict. c. 89], or any statutory modification thereof, and whether corporate or unincorporate, and whether limited or unlimited, engaged in or formed for working mines within the stannaries:

The term "purser" means the purser for the time being of a company, or if there is no purser then the secretary for the time being, or if there is no secretary, then the principal agent or manager for the time being of a company:

The term "cost book" includes all books and papers relating to the business of a mine which are for the time being kept by a purser, or which, according to law or the custom of the stannaries, ought to be kept by him:

The term "lessors" means the lessor or grantor of any lease, or grant of any mine, or licence to exercise mining rights and powers, and includes every person entitled under any such lease, grant, or licence, or any other instrument whatever, to receive the rents or dues payable in respect of any mine:

The term "mortgages" includes all holders of mortgage-debentures, mortgages, or other charges issued by any company:

The term "sheriff" includes any officer charged with the execution of a writ or other process:

The term "miners" includes all artisans, labourers, and other persons working in and about a mine, except the purser, secretary, agent, or manager:

The term "wages" includes all earnings by miners arising from any description of piece or other work, or as tributaries or otherwise:

The term "mining effects" includes machinery, materials, goods, and chattels, and all ores and halvana, and all other personal property appertaining to a mine, or used or intended to be used for mining purposes.

3. *Extent of Act*] This Act extends only to

metalliferous mines and tin streaming works within the stannaries.

4. *Wages to have priority.*] Miners employed wholly or in part in or about a mine, in respect of their wages in relation to the mine, not exceeding an amount equal to three months wages to each person, shall have for such wages a first charge upon all mining effects in and about the said mine, belonging to the said mine or to any company by whom the said mine is worked, and upon all money of the company in the count-house or in charge of the purser, agent, or secretary, or other person on behalf of the company, or of the credit of the company at their bankers, and upon all other assets whatever of the company in respect of the said mine, and such first charge shall, subject to the provisions of the tenth section of this Act, have priority over all claims for rents, royalties, dues, or otherwise by the lessors of the said mine, or by mortgages, or judgment, execution, or other creditors of the said company, or by any other persons whatever.

5. *Claims of miners on leaving or death to be communicated to the manager.*]—(1.) If any miner upon leaving a mine shall leave with, or forward to the manager of the said mine, a written memorandum of the wages which he claims to be then owing to him, and also of either his own name and address, or the name and address of some person to act in his behalf, the manager shall forthwith enter such name and address and claim in the books of the company.

(2.) On the notification to the manager of the death of any miner to whom wages are due, the manager shall forthwith enter in the books of the company a memorandum stating the fact of the death and the amount of wages due or claimed.

6. *Sheriff after levy to deposit wages due at date of levy.*] A sheriff in execution of any process against a company shall, in the first instance, seize for the amount of the judgment debt and costs, and on such seizure shall forthwith require and receive from the pursuer a full and correct statement of the total sum appearing by the books of the company to be due to the miners or their representatives for such wages as aforesaid, including a fair estimate of moneys earned as wages and not yet ascertained; and thereupon the sheriff shall enlarge his seizure so as to seize and sell sufficient to satisfy all the aforesaid moneys appearing to be due for such wages in addition to the judgment debt and costs, and such other charges as by law are allowed to the sheriff; and out of the proceeds of such sale shall, after payment of his own costs and expenses, but before paying the judgment debt and costs, pay to the pursuer the amount of such wages, whose receipt shall be a sufficient discharge for the same, and who shall distribute the same to the persons entitled thereto.

7. *Orders for payment of wages made by justices to have priority.*] After the commencement of this Act when orders for the payment of wages due in respect of work done at any mine have been made by any of Her Majesty's justices of the peace, and the several amounts payable thereunder have not been discharged within the time allowed by law for that purpose, a distress may be levied on and sale made of any such mining effects, in or on such mine, as are by law liable to be distrained for rent.

8. *Court to enforce priority.*] In addition to every other remedy for obtaining payment of their wages, the said miners, or any of them, may institute proceedings in the court, by way of summons, for enforcing the said first charge given to them by this Act, and the vice-warden may grant and make (ex parte or otherwise) all such injunctions and orders as he may think necessary and proper in order to secure such miners from loss; and if any amount ordered to be paid shall not have been paid within the time mentioned in such order, execution may be levied on and sale made of any mining effects in or on such mine as are by law liable to be distrained for rent.

9. *Under winding-up proceedings money may be borrowed to pay wages.*] If at the commencement of the winding-up of any company, whether by the court or otherwise, any wages, not exceeding such an amount as under the fourth section would be made a first charge, are unpaid, the same shall be paid by the official liquidator or liquidator forthwith in priority to all other costs except such costs of and incidental to the making of the order for the winding up as in the opinion of the court shall have been properly incurred, and, subject to the tenth section of this Act, to all claims, whether by mortgages, execution creditors, or any other person whatsoever; and, subject as aforesaid, the court may by order charge the whole or any part of the assets of the company, in absolute priority to all claims and to all existing mortgages or charges thereon, with the payment of the sum sufficient to discharge the said wages, with interest thereon at a rate not exceeding five per centum per annum, and such charge may be made in favour of any person who is willing to advance the requisite amount, or any part thereof, and as soon as the said sum has been so advanced the said wages shall be paid without delay, so far as such advanced amount extends, and in such order of payment as the court directs.

10. *Saving of rights of clerks and servants.*] Nothing in the fourth or eighth section of this Act is to be taken to have the effect of defeating or abridging or extending the right conferred upon clerks and servants by the Companies Act, 1863 [46 & 47 Vict. c. 25], to be paid in the winding up of a company in priority to other creditors, pari passu with labourers and workmen out of such assets only as are distributable by the liquidator or official liquidator within the meaning of the said Act, except that such priority shall only be given to the extent of three months, and shall not extend to the principal agent or manager, power or secretary.

11. *Time for payment of wages.*] After the commencement of this Act it shall be lawful for a company to retain in its hands from the wages

earned by any miner working at surface during the continuance of his employment seven days wages and no more. Subject to the right of the company to retain such seven days wages, all surface miners shall be paid once a fortnight, and the amount so retained shall be paid to the miner within seven days of his ceasing to be employed by the company. All wages that may become due to miners employed by contract underground shall be payable within fourteen days from the expiration of the contract. At the end of twenty-eight days from the commencement of the contract, and also at the end of every subsequent fourteen days during the continuance of the same contract, every such miner shall be entitled to subsist; that is, to a payment on account of his wages equal to the amount that the agent may estimate that the miner has earned in wages during the fourteen days for which payment is due. And if the agent shall refuse or neglect to make any estimate, or shall make an unreasonable estimate, the miner may forthwith apply to any two or more justices of the peace, who shall fix such amount of subsist as ought to be paid to him, and make an order for such payment to be forthwith made to him, subject to such directions as to costs as they may think fit.

Provided that when a miner first enters employment by contract under ground in a mine he shall be entitled to seven days subsist at the end of the first fortnight, and to a further seven days subsist at the end of the second fortnight. And that on leaving any mine a miner shall be entitled to the payment of all wages due to him if employed by tut work at the end of seven days from the termination of his employment, and if employed on tribute at the end of seven days from the sampling and assaying of the ore raised by him, and in the case of copper at the end of seven days from the next ticketing day.

12. *Payment in convenient coin.*] The pursuer shall pay all wages and subsist to the miners at the account house of the mine in current coin of the realm as defined by the Coinage Act of 1870 [33 & 34 Vict. c. 10]; so as shall enable an immediate division to be made amongst the individual miners entitled to receive the same; nothing but such coins to be a legal tender to a miner for wages or subsist.

13. *Mine club funds to be accounted for.*] (1.) After the commencement of this Act, any custom or rule of law to the contrary notwithstanding, all moneys deducted in any mine from the wages or earnings of or otherwise contributed by the miners for the purposes of a mine club, or accident, or sick or benefit fund, shall, unless a majority of the miners shall by resolution decide otherwise, be deemed to belong to the miners and not to the company, and the said moneys, and any contributions added thereto by the shareholders, shall be placed to a separate account, and the details thereof, showing the amount received and the several payments thereout, and to whom made during each preceding sixteen weeks, shall be set out in the balance sheet to be presented to the shareholders at each ordinary meeting; and a copy of the same shall be posted in the miners dry or changing sheds, and in the account house; and it shall be lawful for the miners in any mine, if they so please, to appoint any two of themselves to audit the said mine club fund accounts; Provided that section thirty-four of this Act shall not restrain the right of the miners to pass any such resolution, and such resolution shall have effect for twelve calendar months only after the passing thereof. And in the event of any money being so deducted for the purpose of medical attendance, each miner shall be entitled to name a qualified medical practitioner to whom the amount so deducted from his wages shall be paid for such medical attendance.

(2.) Upon the winding up of any company in the court of the vice-warden or any other court, or otherwise, the said mine club moneys or fund shall not be deemed to be or be applied as part of the assets of the company in liquidation of the debts of the company or otherwise; but shall be accounted for by the pursuer or any other person in possession of the fund to the liquidator, and shall be recoverable by him, and shall be applied in accordance with the rules of the club. Where a company is being wound up voluntarily, the liquidator,

or any person claiming to be entitled to any such moneys or fund, may apply to the court for directions or to determine any question arising in the matter, in the same manner as if the company were being wound up by the court.

14. *Power to pay over club funds to registered friendly society.*] When deductions are made from the wages of miners for the maintenance of a mine club fund, under the provisions of the last preceding section of this Act, it shall be lawful for the miners employed in or about the mine by resolution of a majority of such miners to appoint a committee of management of such fund: Provided that if any portion of the said fund is contributed by the company, the sanction and concurrence of the said company shall be required in respect of the appointment of such committee; and such committee may transfer the same to any registered friendly society, established for the whole or any part of the stannaries district, and willing to receive the same upon such terms as may be agreed upon between the said committee and the said society.

15. *Appointment of check-weigher.*] When the amount of the wages payable to miners depends on the quantity and quality of the minerals sent to the surface by them, such miners may, at their own cost, station a person (herein called a check-weigher) at the place at which such mineral is weighed to take account of the weight thereof; and such check-weigher, or some other miner, may also be present when the sampler of the company samples the said mineral, and the said sampler shall divide the sample taken by him into three parts, and shall retain one of such parts for the use of the company, give another part to the check-weigher or such other miner for the mine, and deposit the remaining part with the pursuer of the company for future use, if either the company or the miners require that it should be assayed; and such remaining part shall be sealed up in the presence of the check-weigher or such other miner, and retained by the company for assay, if required; the said check-weigher or other miner shall not interrupt or interfere in any way with the weighing or sampling of the said mineral, and shall not enter the assay office of the company, nor shall the absence of the check-weigher be a reason for delaying the said weighing and sampling.

16. *Supply of tools and materials.*] Tools, implements, and materials supplied to miners by the company for the purposes of the mine shall be supplied, as nearly as possible, at market price; and such prices and the quantities shall be distinctly specified in the account delivered to the miners.

17. *Notice to quit and compensation for fixtures.*] Where a miner contracts to work a tin stream at a fixed rate of tribute on the terms of providing and fitting up at his own expense the necessary plant and machinery, he shall in any case be entitled to not less than one month's notice to quit, and to all such machinery and plant, and to all tin stuff, dressed ore, or leavings that may be in and about his works at the date of his leaving, and he shall have reasonable time allowed to him to remove the same.

18. *Disputes how to be determined.*] Any dispute between any miner and the pursuer, manager, or agent of a mine as to any money due to him, or claimed by him, may be heard and determined by a court of summary jurisdiction, and such court for the purposes of this Act shall be deemed to be a court of civil jurisdiction, and in a proceeding in relation to any such dispute the court may order payment of any sum which it may find to be due as wages, or damages, or otherwise, and such reasonable costs as the court may think fit: Provided that in any proceeding in relation to any such dispute the court of summary jurisdiction—

- (1) shall not, except by consent, exercise any jurisdiction where the amount claimed exceeds twenty-five pounds; and
- (2) shall not, except by consent, make an order for the payment of any sum exceeding twenty-five pounds exclusive of the costs incurred in the case.

19. *Mortgages of mining plant and effects to be registered.*] All mortgages, mortgage debentures, and other documents whatever, whereby power is given by any company to any persons to take possession of any mining effects of or on a mine



shall, in addition to any registration thereof now required by law, be registered within twenty-eight days from the date thereof, at the office of the said registrar, in a book to be kept there for that purpose, without payment of any fee, and such book shall be subject to the inspection of all applicants at all reasonable times, and no such mortgage, mortgage debenture, or other document, unless so registered, shall confer any priority over or title as against the claims of any persons whatever for work and labour done or services performed in or upon such mine, or for goods and materials supplied to any company by which the said mine is carried on; such registration shall not affect any priority in respect of wages under the provisions of this Act.

20. *Copy of all mining grants to be filed.* A true copy of all leases, grants, and licences made after the commencement of this Act, giving to the grantees the right to work mineral property within the said stannaries, and also of all assignments and contracts for the sale of such leases, grants, and licences, shall be filed by the lessee, grantee, licensee, assignee, or purchaser thereof at the said office of the said registrar within fourteen days from the execution thereof; and in default of such filing thereof, no such lease, grant, licence, assignment, or contract shall until filed be enforceable at law or in equity.

21. *Valuation of relinquished shares.* When after the commencement of this Act a share in a company has been relinquished, and a valuation of the materials and other assets of the company is required to be made as between the shareholder who has relinquished and the continuing shareholders, such valuation shall be made upon the basis that all the said continuing shareholders had also at the same time relinquished their shares.

22. *Relinquishment not valid unless delivered six weeks before stoppage of mine.* After the commencement of this Act a relinquishment shall not have any effect if it be delivered within the six weeks immediately preceding the day on which a resolution to wind up the company shall be legally passed at a duly convened meeting of the company, or on which an order shall be made to wind up the same by or subject to the supervision of the court.

23. *Accounts to be entered in cost book.* The pursuer of every cost book mine shall, once at least every sixteen weeks, truly enter in the cost book of the mine accounts showing the actual financial position of the company at the end either of the financial month of such company last preceding the time of entry, or of the calendar month last preceding that time, including a statement of all credits, debts, and liabilities, and distinguishing in such accounts the amounts of calls paid, and calls not paid, and also all other accounts, documents, and things that the pursuer is required to enter therein by the custom of the stannaries, or by the direction of the company, and if any pursuer shall fail to make such entries or any of them within the time or in manner above directed, he shall, when and so often as he shall so fail, be liable to a penalty not exceeding twenty pounds, to be recovered in a summary manner before any two or more justices of the peace.

24. *Penalty for false entries, &c.* If in the said accounts any false statement or entry shall be made or any material particular omitted with the knowledge of the pursuer, the said pursuer shall be liable in respect of every such false statement, entry, or omission to a penalty not exceeding fifty pounds, to be recovered in a summary manner before any two or more justices of the peace, and the said justices may, in their absolute discretion, award any portion of the penalty imposed by them (not exceeding one moiety thereof) to the prosecutor, provided he is a shareholder in the company or a person having a legal right to inspect the said accounts; if such false statement, entry or material particular, has been made or omitted with the knowledge of the manager of the mine, such manager shall also be liable to a like penalty, to be recovered in like manner and with the like discretion in the justices as to their apportionment thereof.

25. *Meetings to be held once every sixteen weeks.* The pursuer of every cost book mine shall duly

convene an ordinary meeting of the shareholders in such mine at least once every sixteen weeks, for the transaction of the ordinary business of the said mine, and at every such meeting the cost book of the said mine, containing the accounts and other matters required by this Act to be entered therein, together with a list showing the name and address of every shareholder from whom any call is in arrear and unpaid, and the amount of the calls unpaid by him, shall be laid before the meeting, and be open to full and unrestricted inspection by any shareholder present, and if any pursuer shall fail to convene such meeting, or to duly hold the same, or shall fail to produce the said cost book thereof, or to permit it to be inspected as aforesaid, he shall forfeit for each and every such default a sum not exceeding ten pounds, to be recovered in a summary manner on the complaint of any shareholder in the company, before any two or more justices of the peace.

26. *Accounts to be printed.* The accounts by the twenty-third section of this Act directed to be entered in the cost book shall, after the same have been laid before a meeting of the shareholders in pursuance of the twenty-fifth section, be printed, and a copy thereof sent to each shareholder in the company and also to the lessors of the mine.

27. *Amalgamation of adjoining mines.* When the limits of any mine join those of any other mine the companies respectively working the said mines may, with the consent in writing of the respective lessors thereof in all cases where such consent is by law or custom necessary, amalgamate and become one company, provided that no such amalgamation shall take place unless each of the said companies shall authorize the same by a special resolution, to which two-thirds in value of the shareholders in the said company shall consent in writing; such resolution shall be registered in the court, and the amalgamation shall not take effect until such registration, and shall be advertised in such manner as the court directs.

28. *Petitions to wind up mining companies to be presented in stannary court.* The court of the vice-warden of the stannaries shall have the same jurisdiction in the winding up of all companies formed for working mines within the stannaries (unless they are shown to be then actually working mines or to be engaged in any other undertaking, or to have entered into any contract for such working or undertaking beyond the limits of the stannaries), as has heretofore been exercised by the said court, pursuant to the eighty-first section of the Companies Act, 1863 [25 & 26 Vict. c. 89], in respect of companies engaged in working any mine within and subject to the jurisdiction of the said stannaries.

29. *Unclaimed money.* When and as often after the commencement of this Act as the registrar of the court shall have standing in his name in the Bank of England, or in either of the local banks in which he has been duly authorised to open accounts as registrar, any moneys which have become distributable or payable under orders of the court in creditors or pursuers suits, or in matters arising out of the winding-up of companies, pursuant to the Companies Act, 1863, or any other Act, and which have remained unclaimed by or on behalf of any person thereto entitled for a period of two years, and the registrar shall report the same to the vice-warden, the vice-warden is hereby empowered to cause to be invested, in the joint names of himself and the registrar, in Government securities, the whole or any portion of such moneys, without prejudice to the claim of any person entitled to any part of the principal sums, and the income thereof, and the income derived from a sum of two hundred and seventeen pounds five shillings and fourpence, now standing in the joint names of the vice-warden and the registrar, in the Three Pound per Cent. Consolidated Bank Annuities, under the authority of an order of the vice-warden, approved by the Lord Chancellor, sanctioning the investment of a portion of the amount of unclaimed deposits pursuant to the sixty-first section of seventh and eighth Victoria, chapter one hundred and five, and the income to be derived from any further investments which may hereafter be made under the same authority shall be allowed to accumulate; and the said several incomes meanwhile shall be kept as separate funds

apart from the ordinary fees of the court arising from other business; and be it further enacted, that the expense of making the said investments, or any re-investments of the unapplied produce thereof in the like securities, and any expenses which may be incurred in the sales of stock, to satisfy the claims of parties who may be entitled thereto, and any expenses of keeping the necessary accounts, shall be a first charge upon the income derived from the securities.

30. 1 & 2 Vict. c. 110, s. 17, to apply to stannaries court.] Whereas it may be doubted whether section seventeen of statute first and second Victoria, chapter one hundred and ten, applies to the court of the vice-warden of the stannaries it is hereby enacted that any judgment debt in an action commenced in that court by writ of summons shall carry interest at the rate of four pounds per centum per annum from the time of entering up the judgment until the same shall be satisfied, and such interest may be levied under a writ of execution on such judgment.

31. *Duplicates registration.* From and after the commencement of this Act any company engaged in or formed for working a mine within the stannaries, and which has been or shall hereafter be registered either at the joint stock companies office in London or at the office of the assistant registrar at Truro, shall, together with every original document and the copy of every return required by the Companies Act, 1863, or any subsequent Act to be filed in the office where such company is registered, also transmit a copy of such original document and a second copy of any return to the said office, and it shall be the duty of the registrar or the assistant registrar, as the case may be, to forward such copies, the one to the other, for the purpose of being filed. And the penalties mentioned in sections twenty-seven, thirty-four, and thirty-nine of the Companies Act, 1863, and the provision of section forty of the same Act, shall attach to a company making default in transmitting the aforesaid copies.

32. *Certain returns to be registered at the stannary court.* The pursuer of every cost book mine shall within ten days of the expiration of the months of January, May, and September in each year cause to be filed or registered at the said registration office at Truro a summary or return containing the several particulars set forth in section twenty-six of the Companies Act, 1863, exclusive of the list of members of the company therein mentioned.

33. 15 & 19 Vict. c. 32, s. 23, to extend to this Act.] The powers contained in the Act eighteen and nineteen Victoria, chapter thirty-two, section twenty-three, and any other existing powers of the vice-warden to make rules and orders, and to prescribe forms for carrying into effect such rules and orders, shall extend to this Act, and this Act shall, so far as is consistent with the terms thereof, be construed as one with all former Acts relating to the court of the vice-warden of the stannaries.

34. *Provisions of this Act to be void.* Any contract expressed or implied with the employers, or terms of hiring, which would in effect deprive miners of any right secured to them by this Act or impose any condition whatever in reference to the disposition of club or benefit funds, shall, so far as such rights are affected, and in respect of any such condition, be void and of no effect.

35. *Printed copies of this Act to be posted up.* Printed copies of this Act, and of the rules and regulations for the time being in force in any mine, shall be kept posted up in the smiths shop and in the miners dry or changing shed of every mine.

36. *Commencement of Act.* This Act shall come into operation on the first day of December one thousand eight hundred and eighty-seven.

#### GAP. XLIV.

An Act to enable Her Majesty by Order in Council to unite the Colonies of Trinidad and Tobago into one Colony.

[16th September 1887.]

#### GAP. XLV.

An Act for further amending the enactments

relating to Offices, Stations, and Buildings  
for the Metropolitan Police Force.

[16th September 1887.]

### CAP. XLVI.

An Act to amend and extend the Law relating  
to Truck. [16th September 1887.]

Be it enacted, &c.:

1. *Short title.*] This Act may be cited as the Truck Amendment Act, 1887. The Act of the session of the first and second years of the reign of King William the Fourth, chapter thirty-seven, intitled "An Act to prohibit the payment in certain trades of wages in goods or otherwise than in the current coin of the realm" (in this Act referred to as the principal Act), may be cited as the Truck Act, 1831, and that Act and this Act may be cited together as the Truck Acts, 1831 and 1887, and shall be construed together as one Act.

2. *Application of principal Act to workman as defined by 38 & 39 Vict. c. 90.*] The provisions of the principal Act shall extend to, apply to, and include any workman as defined in the Employers and Workmen Act, 1875, section ten, and the expression "artificer" in the principal Act shall be construed to include every workman to whom the principal Act is extended and applied by this Act, and all provisions and enactments in the principal Act inconsistent herewith are hereby repealed.

3. *Advance of wages.*] Whenever by agreement, custom, or otherwise, a workman is entitled to receive in anticipation of the regular period of the payment of his wages an advance as part or on account thereof, it shall not be lawful for the employer to withhold such advance or make any deduction in respect of such advance on account of poundage, discount, or interest, or any similar charge.

4. *Saving for servant in husbandry.*] Nothing in the principal Act or this Act shall render illegal a contract with a servant in husbandry for giving him food, drink, not being intoxicating, a cottage, or other allowances or privileges in addition to money wages as a remuneration for his services.

5. *Order for goods as a deduction from wages illegal.*] In any action brought by a workman for the recovery of his wages, the employer shall not be entitled to any set off or counterclaim in respect of any goods supplied to the workman by any person under any order or direction of the employer, or any agent of the employer, and the employer of a workman or any agent of the employer, or any person supplying goods to the workman under any order or direction of such employer or agent, shall not be entitled to sue the workman for or in respect of any goods supplied by such employer or agent, or under such order or direction, as the case may be.

Provided that nothing in this section shall apply to anything excepted by section twenty-three of the principal Act.

6. *No contracts with workman as to spending wages at any particular shop, &c.*] No employer shall, directly or indirectly, by himself or his agent, impose as a condition, express or implied, in or for the employment of any workman any terms as to the place at which, or the manner in which, or the person with whom, any wages or portion of wages paid to the workman are or is to be expended, and no employer shall by himself or his agent dismiss any workman from his employment for or on account of the place at which, or the manner in which, or the person with whom, any wages or portion of wages paid by the employer to such workman are or is expended or fail to be expended.

7. *Deduction for education.*] Where any deduction is made by an employer from a workman's wages for education, such workman on sending his child to any state-inspected school selected by the workman shall be entitled to have the school fees of his child at that school paid by the employer at the same rate and to the same extent as the other workmen from whose wages the like deduction is made by such employer.

In this section "state-inspected school" means any elementary school inspected under the direction of the Education Department in England or

Scotland or of the Board of National Education in Ireland.

8. *Deduction for sharpening tools, &c.*] No deduction shall be made from a workman's wages for sharpening or repairing tools, except by agreement not forming part of the condition of hiring.

9. *Audit of deductions.*] Where deductions are made from the wages of any workmen for the education of children or in respect of medicine, medical attendance, or tools, once at least in every year the employer shall, by himself or his agent, make out a correct account of the receipts and expenditure in respect of such deductions, and submit the same to be audited by two auditors appointed by the said workmen, and shall produce to the auditors all such books, vouchers, and documents, and afford them all such other facilities as are required for such audit.

10. *Artificer to be paid in cash and not by way of barter for articles made by him.*] Where articles are made by a person at his own home, or otherwise, without the employment of any person under him except a member of his own family, the principal Act and this Act shall apply as if he were a workman, and the shopkeeper, dealer, trader, or other person buying the articles in the way of trade were his employer, and the provisions of this Act with respect to the payment of wages shall apply as if the price of an article were wages earned during the seven days next preceding the date at which any article is received from the workman by the employer.

This section shall apply only to articles under the value of five pounds knitted or otherwise manufactured of wool, worsted, yarn, stuff, jersey, linen, fustian, cloth, serge, cotton, leather, fur, hemp, flax, mohair, or silk, or of any combination thereof, or made or prepared of bone, thread, silk, or cotton lace, or of lace made of any mixed materials. Where it is made to appear to Her Majesty the Queen in Council that, in the interests of persons making articles to which this section applies in any county or place in the United Kingdom, it is expedient so to do, it shall be lawful for Her Majesty, by Order in Council, to suspend the operation of this section in such county or place, and the same shall accordingly be suspended, either wholly or in part, and either with or without any limitations or exceptions, according as is provided by the Order.

11. *Offences.*] If any employer or his agent contravenes or fails to comply with any of the foregoing provisions of this Act, such employer or agent, as the case may be, shall be guilty of an offence against the principal Act, and shall be liable to the penalties imposed by section nine of that Act as if the offence were such an offence as in that section mentioned.

12. *Fine on person committing offence for which employer is liable, and power of employer to exempt himself from penalty on conviction of actual offender.*] (1.) Where an offence for which an employer is, by virtue of the principal Act or this Act, liable to a penalty has in fact been committed by some agent of the employer or other person, such agent or other person shall be liable to the same penalty as if he were the employer.

(2.) Where an employer is charged with an offence against the principal Act or this Act he shall be entitled, upon information duly laid by him, to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge, and if, after the commission of the offence has been proved the employer proves to the satisfaction of the court that he had used due diligence to enforce the execution of the said Acts, and that the said other person had committed the offence in question without his knowledge, consent, or connivance, the said other person shall be summarily convicted of such offence, and the employer shall be exempt from any penalty.

When it is made to appear to the satisfaction of an inspector of factories or mines, or in Scotland a procurator fiscal, at the time of discovering the offence, that the employer has used due diligence to enforce the execution of the said Acts, and also by what person such offence had been committed, and also that it had been committed without the knowledge, consent, or connivance of the em-

ployer, then the inspector or procurator fiscal shall proceed against the person whom he believes to be the actual offender in the first instance without first proceeding against the employer.

13. *Recovery of penalties.*] (1.) Any offence against the principal Act or this Act may be prosecuted, and any penalty therefor recovered in manner provided by the Summary Jurisdiction Acts, so, however, that no penalty shall be imposed on summary conviction exceeding that prescribed by the principal Act for a second offence.

(2.) It shall be the duty of the inspectors of factories and the inspectors of mines to enforce the provisions of the principal Act and this Act within their districts so far as respects factories, workshops, and mines inspected by them respectively, and such inspectors shall for this purpose have the same powers and authorities as they respectively have for the purpose of enforcing the provisions of any Acts relating to factories, workshops, or mines, and all expenses incurred by them under this section shall be defrayed out of moneys provided by Parliament.

(3.) In England all penalties recovered under the principal Act and this Act shall be paid into the receipt of Her Majesty's Exchequer, and be carried to the Consolidated Fund.

(4.) In Scotland—

(a.) The procurators fiscal of the sheriff court shall, as part of their official duty, investigate and prosecute offences against the principal Act or this Act, and such prosecution may also be instituted in the sheriff court at the instance of any inspector of factories or inspector of mines;

(b.) All offences against the said Acts shall be prosecuted in the sheriff court.

14. *Definitions.*] In this Act, unless the context otherwise requires,—

The expression "Summary Jurisdiction Acts" means, as respects England, the Summary Jurisdiction Acts as defined by the Summary Jurisdiction Act, 1879; and, as respects Scotland, means the Summary Jurisdiction (Scotland) Acts, 1864 and 1881, and any Acts amending the same;

Other expressions have the same meaning as in the principal Act.

15. *Disqualification of justice.*] So much of the principal Act as disqualifies any justice from acting as such under the principal Act is hereby repealed.

A person engaged in the same trade or occupation as an employer charged with an offence against the principal Act or this Act shall not act as a justice of the peace in hearing and determining such charge.

16. *Amendment of 1 & 2 Will. 4, c. 37, as to overseers.*] The provisions of the principal Act conferring powers on any overseers or overseer of the poor shall be deemed to confer those powers in the case of England on the guardians of a union, and in the case of Scotland on the inspectors of the poor.

17. *Repeal.*] The Acts mentioned in the schedule to this Act are hereby repealed to the extent in the third column of the said schedule mentioned, without prejudice to anything heretofore done or suffered in respect thereof.

18. *Application of Acts to Ireland.*] The principal Act, so far as it is not hereby repealed, and this Act shall extend to Ireland, subject to the following provisions:

(1.) Any offence against the principal Act or this Act may be prosecuted and any penalty therefor may be recovered in the manner provided by the Summary Jurisdiction (Ireland) Acts; (that is to say,) within the Dublin Metropolitan Police District the Acts regulating the powers and duties of justices of the peace and of the police of that district, and elsewhere in Ireland the Petty Sessions (Ireland) Act, 1851, and the Acts amending the same;

(2.) Penalties recovered under the principal Act or this Act shall be applied in the manner directed by the Fines (Ireland) Act, 1851, and the Acts amending the same.



## SCHEDULE.

Session and Chapter.	Title of Act.	Extent of Repeal.
12 Geo. 1. c. 34	An Act to prevent unlawful combinations of workmen employed in the woollen manufactures, and for better payment of their wages.	Section three, and so much of section eight as applies to section three.
22 Geo. 2. c. 27	An Act, the title of which begins with "An Act for the more effectual preventing of frauds," and ends with the words "and for the better payment of their wages."	So much of section twelve as applies to any enactment repealed by this Act.
30 Geo. 2. c. 12	An Act, the title of which begins with the words "An Act to amend an Act," and ends with the words "payment of the workmen's wages in any other manner than in money."	Sections two and three.
57 Geo. 3. c. 115	An Act, the title of which begins with the words "An Act to extend the provisions of an Act," and ends with the words "articles of cutlery."	The whole Act.
57 Geo. 3. c. 122	An Act, the title of which begins with the words "An Act to extend the provisions," and ends with the words "extending the provisions of the said Acts to Scotland and Ireland."	The whole Act.
1 & 2 Will. 4. c. 37	An Act to prohibit the payment in certain trades of wages in goods or otherwise than in the current coin of the realm.	Section ten, down to "be produced to the court and jury" inclusive; section eleven, section twelve, section fifteen, section sixteen, section eighteen, section nineteen, in section twenty the words "or servant in husbandry"; section twenty-one, section twenty-two, section twenty-four from "and unless the agreement" inclusive to end of section, and section twenty-five from "all workmen" to "purposes aforesaid" both inclusive, and the schedules.

## CAP. XLVII.

An Act to provide for examination into the affairs of Trustee Savings Banks, and to remove doubts as to the Law relating to the winding-up of such Banks.

[16th September 1887.]

Whereas under section twenty-three of the Friendly Societies Act, 1875 [38 & 39 Vict. c. 60], provision is made for the appointment of an inspector to examine into the affairs of a society subject to that Act, but no such power exists for examination into the affairs of a trustee savings bank:

And whereas it is expedient, especially having regard to the recent failure of certain trustee savings banks, to authorise such an examination:

Be it therefore enacted, &c.:

1. *Short title, &c.*] The Act of the session of the twenty-sixth and twenty-seventh years of the reign of Her present Majesty, chapter eighty-seven, intitled "An Act to consolidate and amend the laws relating to Savings Banks," is in this Act referred to and may be cited as the Trustee Savings Banks Act, 1863.

This Act and the Trustee Savings Banks Act, 1863, may be cited together as the Trustee Savings Banks Act, 1863 and 1887.

This Act may be cited as the Trustee Savings Banks Act, 1887.

2. *Appointment of Commissioner to examine affairs of trustee savings bank.*] (1.) The Treasury may, if satisfied on the representation either of such number of the depositors in any trustee savings bank as appears to them sufficient, or of the Commissioners for the Reduction of the National Debt, that there is good reason for causing an examination to be made into the affairs of any trustee savings bank, apply ex parte to any judge of the High Court of Justice in England or Ireland, or to any judge of the Court of Session in Scotland, who, if satisfied that such examination is desirable, may thereupon appoint a master of the Supreme Court of Judicature or a barrister of not less than seven years standing in England or Ireland, or any advocate of not less than five years standing or writer to the signet of not less than five years standing in Scotland, as a Commissioner to hold a local inquiry into the affairs of that savings bank, and to report thereon: Provided that such notice of any representation by depositors under this section shall be given to the trustees of the bank as the Treasury may direct.

(2.) Every such Commissioner shall, for the purposes of the examination which he is authorised to conduct, have power—

(a.) to require by summons under his hand a

person to send a written return to any inquiry, or to attend as a witness before him, and to examine any witness on oath or affirmation, and to require any witness to take an oath or affirmation and to answer any question; and

(b.) to require production of all books, papers, and documents which appear to him to relate to the affairs of the savings bank, and the production of which appears to him necessary.

(3.) If any person, after having had a tender made to him of the expenses (if any) to which he is entitled, fails, without lawful excuse, to comply with any requirement of the Commissioner under this section, he shall, on summary conviction, for each offence be liable to a fine not exceeding ten pounds.

(4.) Every witness shall be allowed such expenses as would be allowed to him when attending to give evidence before any superior court, and in case of dispute the amount shall be referred by the Commissioner to a master or taxing officer of the Supreme Court of Judicature in England or Ireland, or to the Queen's and Lord Treasurer's Remembrancer in Scotland, who, on request under the hand of the Commissioner, shall ascertain and certify the proper amount of the expenses.

(5.) If any person on examination on oath or affirmation under this section wilfully gives false evidence, he shall be liable to the penalties for perjury.

(6.) The Treasury may, if they think fit, where a representation is made by depositors, require such security for costs to be given as they think proper, but except so far as costs may be recovered under any such security, all costs incurred in or incidental to any proceeding under this section shall be paid out of moneys provided by Parliament.

3. *Winding up of savings bank.*] For removing doubts as to the applicability of the Companies Acts to trustee savings banks, it is hereby declared that a trustee savings bank is an unregistered association which may be wound up under the provisions of the Companies Act, 1863, and the Acts amending the same, respecting the winding up of unregistered companies, and a petition for winding up any such bank may be presented either by any person who under those Acts is authorised to present a petition for winding up a company, or by the Commissioners for the Reduction of the National Debt, or by a Commissioner appointed under this Act.

4. *Definitions.*] In this Act—

The expression "Treasury" means the Commissioners of Her Majesty's Treasury:

The expression "trustee savings bank" means

a savings bank certified under the Trustee Savings Banks Act, 1863 [36 & 37 Vict. c. 87] whether it is carrying on business at the passing of this Act or not.

## CAP. XLVIII.

An Act to facilitate the provision of Allotments for the Labouring Classes.

[16th September 1887.]

Be it enacted, &c.

1. *Short title.*] This Act may be cited as the Allotments Act, 1887.

2. *Duty of sanitary authority to acquire land for allotments.*] (1.) On a representation in writing to the sanitary authority of any urban or rural district by any six registered parliamentary electors or ratepayers resident in the case of an urban district, in that district, and, in the case of a rural district, in some parish in that district, that the circumstances of the urban district or parish are such that it is the duty of the sanitary authority to take proceedings under this Act therein, the sanitary authority shall take such representation into consideration.

If the sanitary authority of any urban or rural district are of opinion, either after inquiry made in consequence of such representation or otherwise, that there is a demand for allotments for the labouring population in such urban district, or in any parish in such rural district, and that such allotments cannot be obtained at a reasonable rent and on reasonable conditions by voluntary arrangement between the owners of land suitable for such allotments and the applicants for the same, the sanitary authority, subject to the provisions of this Act, shall by purchase or hire acquire any suitable land which may be available, whether within or without their district or the said parish, adequate to provide a sufficient number of allotments, and shall let such land in allotments to persons belonging to the labouring population resident in the said district or parish and desiring to take the same.

(2.) A sanitary authority shall not under this Act acquire land for allotments save at such price or rent that in the opinion of the sanitary authority all expenses, except such expenses as are incurred in making roads to be used by the public, incurred by the sanitary authority in acquiring the land and otherwise in relation to the allotments may reasonably be expected to be recouped out of the rents obtained in respect thereof.

For the purposes of this section, the expression "reasonable rent" means the rent, exclusive of rates, taxes, and other outgoings which a person taking an allotment might reasonably be expected to pay, taking one year with another, to a land-

lord, having regard to the value of similar land in the neighbourhood, to the extent and situation of the allotment, to the expenses of adapting the land to the purposes of the allotment, and to the repairs and other outgoings payable by the landlord, and to the cost and risk of collecting the rents of, and otherwise managing allotments.

3. *Acquisition of land for purpose of Act.* (1.) For the purposes of the purchase of land by agreement by a sanitary authority for allotments, section one hundred and seventy-eight of the Public Health Act, 1875 [38 & 39 Vict. c. 55], and the Lands Clauses Consolidation Act, 1845 [8 & 9 Vict. c. 18], and the Acts amending the same, shall be incorporated with this Act, except the provisions with respect to the purchase and taking of land otherwise than by agreement, and with respect to the provision to be made for affording access to the special Act.

(2.) If a sanitary authority are unable by hiring or purchase by agreement to acquire suitable land sufficient for allotments under this Act for any district or parish at a reasonable price or rent and subject to reasonable conditions, such authority may petition the county authority of the county in which the district or parish is situate, and the county authority (after such inquiry and procedure as provided in the sections hereinafter incorporated in this Act) may make a provisional order authorising the sanitary authority to put in force, as respects the land mentioned in the order, the provisions of the Lands Clauses Consolidation Act, 1845, and the Acts amending the same with respect to the purchase and taking of land otherwise than by agreement.

(3.) The Local Government Board, on the application of any county authority, shall introduce into Parliament a Bill confirming provisional orders made under this Act by such county authority, and the sanitary authority petitioning for the order shall be considered as the promoters of such order.

(4.) For the purpose of the purchase of land under this section otherwise than by agreement, sections one hundred and seventy-six, two hundred and ninety-six, and two hundred and ninety-seven of the Public Health Act, 1875, shall, so far as consistent with the tenor of this Act, be incorporated with this Act, and apply as if they were herein enacted, with the substitution of "the county authority" for "the Local Government Board," and of "any officer of the county authority appointed for the purpose of an inquiry" for "inspectors of the Local Government Board."

Provided that—

(a.) Any question of disputed compensation shall be referred to the arbitration of a single arbitrator appointed by the parties, or if the parties do not concur in the appointment of a single arbitrator, then, on the application of either of them, by the Local Government Board, and the remuneration to be paid to the arbitrator appointed by the Local Government Board shall be fixed by that Board:

(b.) If an arbitrator appointed for the purposes of this Act dies or becomes incapable to act before he has made his award, or fails to make his award within two months after he is appointed, his appointment shall determine, and the determination of the compensation shall be referred to another arbitrator appointed in like manner as if no arbitrator had been previously appointed: Provided always, that the same arbitrator may be re-appointed:

(c.) An arbitrator appointed under this section shall be deemed to be an arbitrator within the meaning of the Lands Clauses Consolidation Act, 1845, and the Acts amending the same, and the provisions of those Acts with respect to an arbitration shall apply accordingly; and, further, the arbitrator, notwithstanding anything in the said Acts, shall determine the amount of the costs and shall have power to disallow as costs in the arbitration the costs of any witnesses whom he considers to have been called unnecessarily, and any other costs which he considers to have been incurred unnecessarily.

(5.) In construing for the purposes of this section any section or Act incorporated with this section, this Act, together with any Act confirming a pro-

visional order under this section, shall be deemed to be the special Act, and the sanitary authority shall be deemed to be the local authority or the promoters of the undertaking, as the case requires, and the word "land" shall have the same meaning as in this Act.

(6.) Where land is purchased by a sanitary authority under this Act otherwise than by agreement, the following provisions shall apply:

(a.) The county authority shall not make a provisional order for purchasing any park, garden, pleasure-ground, or other land required for the amenity or convenience of any dwelling-house, or any land the property of a railway or canal company which is or may be required for the purposes of their undertaking:

(b.) The county authority shall, in making a provisional order for purchasing land, have regard to the extent of land held in the neighbourhood by any owner and to the convenience of other property belonging to the same owner, and shall so far as is practicable avoid taking an undue or inconvenient quantity of land from any one owner.

(7.) For the purpose of the hiring of land by a sanitary authority for allotments, any person or body of persons or body corporate authorised to sell land to the sanitary authority for the purposes of this Act may, without prejudice to any other power of leasing, lease land to the sanitary authority, without any fine or premium, for a term not exceeding thirty-five years.

(8.) The county authority shall not make a Provisional Order for purchasing any right to coal or metalliferous ore.

4. *Costs to be awarded in certain cases.* Where any Bill for confirming a Provisional Order made under this Act is referred to a committee of either House of Parliament upon the petition of any person opposing such Bill, the committee shall take into consideration the circumstances under which such opposition is made to the Bill, and whether such opposition was or was not justified by the circumstances, and shall award costs accordingly to be paid by the promoters or the opponents of the Bill, as the committee may think just.

Any costs under this section may be taxed and recovered in the manner in which costs may be taxed and recovered under the twenty-eighth and twenty-ninth Victoria, chapter twenty-seven.

The decision of the majority of the members of the committee for the time being present and voting on any question under this section shall be deemed to be the decision of the committee.

5. *Improvement and adaptation of land for allotments.* The sanitary authority may improve any land acquired by them under this Act, and adapt the same for letting in allotments, by draining, fencing, and dividing the same, acquiring approaches, making roads, and otherwise, as they think fit, and may from time to time do such things as may be necessary for maintaining such drains, fences, approaches, and roads, or otherwise for maintaining the allotments in a proper condition.

6. *Management of allotments.* (1.) Subject to the provisions of this Act, the sanitary authority may from time to time make, revoke, and vary such regulations as appear to be necessary or proper for regulating the letting of allotments under this Act, and for preventing any undue preference in the letting thereof, and generally for carrying the provisions of this Act into effect; and such regulations may define the persons eligible to be tenants of such allotments, and the notices to be given for the letting thereof, and the size of the allotments, and the conditions under which they are to be cultivated, and the rent to be paid for them. Provided that all such regulations shall make provision for reasonable notice to be given to a tenant of any allotment of the determination of his tenancy. Provided also, that all regulations made under this section shall not be of any force unless and until they have been confirmed by the Local Government Board, in like manner and subject to the like provisions as in the case of bylaws under the Public Health Act, 1875 [38 & 39 Vict. c. 55].

(2.) All regulations for the time being in force under this section shall be binding on all persons whatsoever; and the sanitary authority shall cause

them to be from time made known, in such manner as the sanitary authority think fit, to all persons interested, and shall cause a copy thereof to be given gratis to any inhabitant of the district or parish demanding the same.

(3.) Subject to the provisions of this Act the sanitary authority may from time to time appoint, and when appointed, remove allotment managers of land acquired under this Act for allotments, and such allotment managers shall consist either partly of members of such authority and partly of other persons, or wholly of other persons, so that in either case such other persons be persons residing in the locality and contributing to the rate out of which the expenses under this Act are paid.

(4.) The proceedings and powers of allotment managers shall be such as, subject to the provisions of this Act, may be prescribed from time to time by the sanitary authority; the allotment managers may be empowered by the sanitary authority to do anything in relation to the management of such allotments which the sanitary authority are authorised to do, and to incur expenses to such amount as the sanitary authority prescribe, and any expenses properly so incurred shall be deemed to be expenses of the sanitary authority under this Act.

7. *Provisions as to letting and use of allotments.*

(1.) The rents of the allotments shall be fixed at an amount not less than such as may reasonably be expected to insure the sanitary authority from loss; but in calculating such loss any expenses incurred in an unsuccessful attempt to acquire land for allotments shall be excluded and, subject as aforesaid, such rents may be from time to time charged as are reasonable, having regard to the agricultural value of the land, and not more than a quarter's rent shall be required to be paid in advance in any case where it is deemed necessary by the sanitary authority to require the payment of rent in advance.

(2.) The sanitary authority shall, for the purposes of all rates, taxes, and tithe rentcharge, be deemed to be the occupiers of the allotments which are let, but they shall cause the sums from time to time paid by way of rates, taxes, and tithe rentcharge in respect of the allotments to be apportioned among them, and cause the sum so apportioned in respect of each allotment to be certified to the tenant thereof, and such sum shall be added to the rent otherwise payable by the said tenant in respect of such allotment, and shall be deemed to be part of such rent, and be recoverable accordingly; Provided always, that for the purposes of the parliamentary franchise, and the municipal and all other local franchises, the tenants shall be deemed to be the occupiers, and such rates to have been paid by them, notwithstanding the provisions hereinafore contained.

(3.) One person shall not hold any allotment or allotments acquired under this Act exceeding one acre, and an allotment shall not be sub-let.

(4.) Provided that if at any time any allotment cannot be let in accordance with the provisions of this Act and the regulations, the same may be let to any person whatever at the best annual rent which can be obtained for the same, without any premium or fine, and on such terms as may enable the sanitary authority to resume possession thereof within a period not exceeding twelve months if it should at any time be required to be let under the provisions aforesaid.

(5.) No building other than a toolhouse, shed, greenhouse, fowlhouse, or pigsty shall be erected on any part of any allotment, and if any building other than as aforesaid is so erected the sanitary authority shall forthwith pull down such building and sell and dispose of the materials thereof, and the proceeds of the sale shall be applicable in like manner as the rent of the allotment. If any building so allowed to be erected is erected upon an allotment, then at the end of the tenancy neither the sanitary authority nor the incoming tenant shall be bound to take any such building or pay any compensation therefor, but the outgoing tenant shall be at liberty, before the expiration of his tenancy, to remove the same, and, if he fails so to do, the sanitary authority may pull down the building and dispose of the materials, and apply the proceeds in like manner as if it were a building prohibited to be erected.

(6.) A tenant of an allotment may, before the



expiration of his tenancy, remove any fruit and other trees and bushes planted or acquired by him, for which he has no claim for compensation.

**8. Recovery of rent and possession of allotments.]**

(1.) The rent for an allotment let in pursuance of this Act, and the possession of such allotment in the case of any notice to quit, or failure to deliver up possession of the same as required by law, may be recovered by the sanitary authority as landlords, in the like manner as in any other case of landlord and tenant.

(2.) If the rent for any allotment is in arrear for not less than forty days, or if it appears to the sanitary authority that the tenant of an allotment not less than three months after the commencement of the tenancy thereof has not duly observed the regulations affecting such allotment made by or in pursuance of this Act, or is resident more than one mile out of the district or parish for which the allotments are provided, the sanitary authority may serve upon the tenant, or if he is residing out of the district or parish, leave at his last known place of abode in the district or parish, or fix in some conspicuous manner on the allotment, a written notice determining the tenancy at the expiration of one month after the notice has been so served or affixed, and thereupon such tenancy shall be determined accordingly: Provided that in every such case the sanitary authority in default of agreement between the incoming and outgoing tenant shall on demand pay to the tenant whose tenancy is so determined any compensation due to him as an outgoing tenant; and such compensation shall be assessed by an arbitrator appointed by the sanitary authority, or, if the tenant so elect, either by an arbitrator appointed under the Allotments and Cottage Gardens Compensation for Crops Act, 1887 [50 & 51 Vict. c. 26], or by a reference under the Agricultural Holdings (England) Act, 1883 [46 & 47 Vict. c. 61].

(3.) Upon the recovery of an allotment from any tenant, the court or justice directing the recovery may stay delivery of possession until payment of the compensation, if any, due to the outgoing tenant has been made or secured to the satisfaction of the court or justice.

**9. Election of allotment managers.]**

(1.) Where allotments have been provided under this Act for a parish in any rural district, a petition to the sanitary authority may be presented by a number of the electors of allotment managers in such parish, not being less than one-sixth of the whole number of such electors, praying for the election of allotment managers in such parish, and thereupon the sanitary authority shall order such election, and the allotment managers so elected shall be the allotment managers of the allotments in such parish in lieu of allotment managers appointed by the sanitary authority, who, on an election under this Act, shall cease to hold office.

(2.) The first election shall be held on such day as may, subject to the regulations hereafter mentioned, be fixed by the said authority.

(3.) The number of allotment managers in each case shall be such (not being less than three nor more than five) as the sanitary authority may fix, and the quorum shall be three, or, if the number of managers is less than five, be two.

(4.) The allotment managers shall retire triennially on such day as may be prescribed by the regulations hereinafter mentioned, and the allotment managers first elected shall retire on the day for retirement which occurs next after the expiration of three years after the day fixed for their election.

(5.) Any casual vacancy among the allotment managers which occurs by death, resignation, disqualification, or otherwise, may, if there remains a quorum of allotment managers, be filled up by such managers, but the person elected to fill the vacancy shall hold office only for the same time as the retiring manager would have done.

(6.) If at any time by reason of a failure of election, either by electors or allotment managers, or of any other cause, there is no allotment manager, two quorum of allotment managers in any parish, the sanitary authority shall appoint allotment managers under this Act in that parish, and shall continue to appoint the same until another petition for the election of allotment managers is presented under this section,

(7.) The electors of allotment managers shall be the parliamentary electors in the parish, that is to say, the persons registered in any list of parliamentary electors for the parish as entitled to vote at an election of a member to serve in Parliament, and an elector shall not give more than one vote for any candidate nor vote for more candidates than the number to be elected.

(8.) The election of allotment managers shall be held at such time, and in such manner, and in accordance with such regulations as the Local Government Board may from time to time by order prescribe; and the Local Government Board may make regulations respecting the duties of the returning officer, and the expenses of the election, and may do and make regulations respecting all such things as appear to them necessary or proper for carrying into effect this section, whether preliminary or incidental to such election, and for applying to such election any enactments respecting offences at the election of guardians, and may revoke or alter any previous order under this section: Provided as follows:—

(a.) Such guardian or overseer of the parish, or other person as the sanitary authority may appoint, shall be the returning officer;

(b.) A poll, if demanded, shall be taken by ballot, and the said regulations shall provide for the application to such poll of the Ballot Act, 1872 [35 & 36 Vict. c. 33], including the provisions for punishing offences;

(c.) The poll shall be held on one day only, and shall close at eight o'clock in the evening, and shall be open for at least the period from five to eight o'clock in the evening;

(d.) The returning officer shall not vote except in the case of an equality of votes between any candidates, in which case he shall have a casting vote;

(e.) Any ballot boxes, instruments, fittings, and compartments provided by any public authority for parliamentary, municipal, or school board elections, or belonging to any public authority for the purpose of elections, shall be lent to the returning officer on his request for the purpose of an election of allotment managers, under such conditions and either free of charge or for such reasonable charge as may be prescribed by regulations under this section;

(f.) The returning officer may, except during ordinary school hours, use free of charge for the purpose of an election under this section any room in a school receiving a grant out of moneys provided by Parliament, and any room the expenses of maintaining which is payable out of any rate in the parish, but he shall make good any damage done to the room, and defray any expense incurred by the person or body of persons, corporate or unincorporate, having control over the room, on account of its being so used.

(9.) An election under this section shall not be questioned except in such manner as may be prescribed by regulations under this section, and the regulations may apply to such election any enactments respecting the questioning of an election of guardians.

(10.) If an allotment manager is punished with imprisonment for any crime, or is adjudged a bankrupt, or enters into a composition or arrangement with his creditors, or ceases to reside in, or in the neighbourhood of, the parish, or absents himself for twelve months from all meetings of the allotment managers, except for temporary illness or other cause, to be approved by such managers, or is a tenant of any allotment under the management of the managers, he shall cease to be an allotment manager, and his office shall be vacant, and a person who, if elected, would by virtue of this enactment cease, otherwise than by reason of absence from meetings, to be a manager, shall not be qualified to be elected a manager, but, save as aforesaid, any retiring manager shall be eligible for re-election.

**10. Expenses and receipts.]** (1.) All expenses incurred by a sanitary authority under this Act, including allowances to officers of such authority for duties under this Act, shall be defrayed—

(a.) In the case of an urban sanitary authority as part of the general expenses of their exco-

tion of the Public Health Act, 1875 [38 & 39 Vict. c. 55]; and

(b.) In the case of a rural sanitary authority as special expenses incurred in the execution of the Public Health Act, 1875, and such expenses shall be charged to the parish on account of which the land was acquired.

(2.) Section two hundred and ninety-eight of the Public Health Act, 1875, with respect to costs of Provisional Orders, shall apply to costs incurred by a sanitary authority in relation to Provisional Orders under this Act.

(3.) All sums received by a sanitary authority in respect of any land acquired under this Act, otherwise than from any sale or exchange, shall be applied in aid of the expenses incurred by them in respect of such land, and so far as they are not required for the payment of those expenses, shall be applied in aid of the general and special expenses above in this section mentioned, and in the case of a rural sanitary authority shall be credited to the parish on account of which the land was acquired.

(4.) The sanitary authority may borrow for the purposes of acquiring, improving, and adapting land under this Act in like manner and subject to the like conditions as for the purpose of defraying the above-mentioned general and special expenses; and all sums payable by the sanitary authority in respect of principal or of interest on any money so borrowed shall be defrayed in manner provided by this section respecting expenses incurred under this Act in respect of such land.

(5.) Sections two hundred and thirty-three, two hundred and thirty-four, and two hundred and thirty-six to two hundred and thirty-nine both inclusive, of the Public Health Act, 1875 [38 & 39 Vict. c. 55], relating to borrowing by a local authority, and sections two hundred and forty-two and two hundred and forty-three of the same Act, relating to loans by the Public Works Loan Commissioners to a local authority, shall apply to a loan for the purposes of this Act to a sanitary authority in like manner as if they were herein re-enacted and in terms made applicable thereto.

(6.) Separate accounts shall be kept of the receipts and expenditure under this Act of the sanitary authority and their officers and of allotment managers and other persons acting under this Act, and such accounts shall be audited in like manner, and with the like incidents and consequences as the accounts of the other receipts and expenditure of the sanitary authority and their officers under the Public Health Act, 1875, and in the case of allotment managers and other persons as the accounts of officers of the sanitary authority.

**11. Sale of superfluous or unsuitable land.]** (1.) Where the sanitary authority are of opinion that any land acquired by them in pursuance of this Act or any part thereof is no longer needed for the purpose of allotments, or that any other land more suitable for such purpose is available, they may, with the sanction of the county authority, sell or let such land or part, or exchange the same for other land more suitable for the said purpose, and may pay or receive money for equality of exchange.

(2.) The proceeds of a sale under this section and any money received by the sanitary authority on any such exchange as aforesaid by way of equality of exchange, shall be applied in discharging, either by way of a sinking fund or otherwise, the debts and liabilities of the sanitary authority in respect of the land acquired under this Act, or in acquiring, adapting, and improving other land for allotments under this Act, and any surplus remaining may be applied for any purpose for which capital money may be applied, and which is approved by the Local Government Board; and the interest thereon (if any) and any money received from the letting of the land may be applied in acquiring other land for allotments, or shall be applied in like manner as receipts from allotments under this Act are applicable: Provided that any such proceeds, surplus, interest, and money shall, in the case of a rural sanitary district, be credited to or applied for the benefit of the parish for which the land was purchased.

(3.) Sections one hundred and twenty-eight to one hundred and thirty-two (both inclusive) of the Land Clauses Consolidation Act, 1845 (relating to the right of pre-emption of superfluous lands) shall apply upon any sale by a sanitary authority in pursuance of this section of any land, whether

because it is no longer needed for the purpose of allotments, or because other land more suitable for the purpose is available, but save as aforesaid, the provisions of the Lands Clauses Consolidation Act, 1845, with respect to the sale of superfluous lands, shall not be deemed to be incorporated in this Act, or in any Provisional Order made under this Act.

12. *Power to make scheme for provision of common pasture.* Where it appears to any sanitary authority that, as regards their district, if urban, or any parish in their district, if rural, land can be acquired for affording common pasture at such price or rent that all expenses incurred by the sanitary authority in acquiring the land and otherwise in relation to the land when acquired may reasonably be expected to be recouped out of the charges paid in respect thereof, and that the acquisition of such land is desirable in view of the wants and circumstances of the labouring population, such sanitary authority may submit to the county authority for the county in which the district or parish is wholly or partly situate a scheme for providing such common pasture, and the county authority, if satisfied of the expediency of such scheme, may by order authorise the sanitary authority to carry it into effect, and upon such order being made this Act shall, with the necessary modifications, apply in like manner as if "allotments" in this Act included common pasture, and "rent" included a charge for turning out an animal.

Provided that the regulations made under this Act may extend to regulating the turning out of animals on the common pasture, to defining the persons entitled to turn them out, the number to be turned out, and the conditions under which animals may be turned out, and fixing the charges to be made for each animal, and otherwise to regulating the common pasture.

13. *Power for allotment wardens or allotment trustees to transfer to sanitary authority.* (1.) The allotment wardens under the Inclosure Act, 1845 [8 & 9 Vict. c. 119], and the Acts amending the same, having the management of any land appropriated under the said Acts either before or after the passing of this Act for allotments or field gardens for the labouring poor of any place, made by agreement with any sanitary authority within whose district such place is wholly or partly situate, transfer the management of such land to the sanitary authority, upon such terms and conditions as may be agreed upon with the sanction, as regards the said allotment wardens, of the Land Commissioners for England, and thereupon such land shall vest in the sanitary authority.

(2.) All trustees within the meaning of the Allotments Extension Act, 1882 [45 & 46 Vict. c. 80], required or authorised by that or any other Act to let lands in allotments to cottagers, labourers, journeymen, or others in any place may, if they think fit, in lieu of letting such land in manner provided by the said Acts, sell or let such land to the sanitary authority of the district in which such place is wholly or partly situate, upon such terms as may be agreed upon, with the sanction, as regards the said trustees, of the Charity Commissioners for England and Wales.

(3.) The provisions of this Act shall apply to land vested in the sanitary authority under this section, in like manner as if it had been acquired by the sanitary authority under the general powers of this Act.

14. *As to combination of parishes and contributory places.* (1.) If expenses under this Act are incurred in respect of two or more parishes, such expenses shall be apportioned among those parishes in like manner and subject to the like provisions as special expenses incurred for the common benefit of two or more contributory places under the Public Health Act, 1874, may be apportioned.

(2.) Where in a rural district any area other than a parish is a contributory place for the purposes of the Public Health Act, 1875, this Act shall apply to such contributory place as if it were a parish, and the expression "parish" in this Act shall not include any parish wholly or partly within such contributory place, and the parliamentary electors for the contributory place shall be the persons registered in any list of parliamentary electors for any parish wholly in such contributory place, or for any parish partly therein, if registered

in respect of any qualification situate in such contributory place.

(3.) Where a district or parish forms part of more than one county, it shall be deemed for the purposes of this Act to be situate wholly in that county which comprised, according to the last published census for the time being, the largest portion of the population of such district or parish, and where such population is not specified in such census, then in the county in which the largest part of the area of such district or parish is situate, and any doubt which may arise under this section as to the county shall be determined by the Local Government Board.

Two or more parishes immediately adjoining each other may make a representation under this Act, and a sanitary authority of a rural district may take proceedings in respect of such parishes as if they were a single parish.

15. *Register of tenancies.* The sanitary authority shall cause a register to be kept showing the particulars of the tenancy, acreage, and rent of every allotment let, and of the unlet allotments, and such register shall be open to the examination of ratepayers in the urban district or the parish for which the allotments have been provided, in such manner as may be prescribed by the regulations made under this Act by the sanitary authority, and any ratepayer of such district or parish, without paying any fee, may take copies of or extracts from such register, and within one month after the twenty-fifth day of March in every year shall cause an annual statement showing their receipts and expenditure under this Act in respect of the year ending on that day, and their liabilities outstanding on that day, to be deposited at some convenient place in the district, if urban, or the parish to which the statement relates if the district is rural, and any ratepayer may without fee inspect and take copies of such statement.

16. *Definition of county authority.* For the purposes of this Act "county authority" shall be any representative body elected by the inhabitants of the county which may be established under any Act of any future session of Parliament, and until such representative body is established the powers and duties of the county authority under this Act shall be exercised and performed by the Local Government Board, and the provisions of this Act and of the enactments incorporated with this Act shall accordingly be construed with the necessary modification.

17. *Definitions.* In this Act, unless the context otherwise requires—

The expression "allotment" includes a field garden.

The expressions "urban district" and "rural district" mean respectively an urban and rural sanitary district within the meaning of the Public Health Act, 1875.

The expression "sanitary authority" means the urban sanitary authority of an urban sanitary district and the rural sanitary authority of a rural sanitary district within the meaning of the Public Health Act, 1875.

The expression "land" includes pasture, arable, and other land, and any right of way or easement.

18. *Extent of Act.* This Act shall not apply to Scotland or Ireland.

#### CAP. XLIX.

An Act to amend the Charitable Trusts Acts, 1853 to 1869, so far as respects the officers of the Charity Commissioners for England and Wales and the Official Trustees acting under those Commissioners. [16th September 1887.]

Be it enacted, &c.:

1. *Short title.* This Act may be cited as the Charitable Trusts Act, 1887, and shall be construed as one with the Charitable Trusts Acts, 1853 to 1869, and, together with those Acts, may be cited as the Charitable Trusts Acts, 1853 to 1887.

2. *Appointment of assistant commissioners.* (1.) The Charity Commissioners for England and Wales (in this Act referred to as "the Board") may from time to time with the approval in each case of the Commissioners of Her Majesty's

Treasury (in this Act referred to as the Treasury) appoint assistant commissioners, and may remove any such assistant commissioner.

(2.) The number and salaries of the assistant commissioners under this Act shall be such as the Treasury may from time to time sanction.

(3.) Each assistant commissioner under this Act shall have the same powers as an inspector under the Charitable Trusts Acts, 1853 to 1869, and the sections of the Charitable Trusts Acts, 1853 to 1869, specified in the First Schedule to this Act, shall have effect as if "assistant commissioner" or "assistant commissioners" were therein substituted for "inspector" or "inspectors," as the case may be, and each assistant commissioner acting under the authority of the Board may exercise the said powers for any purpose of or incidental to any duties imposed on the Board by Parliament under any present or future Act.

(4.) The power of appointing inspectors under the Charitable Trusts Acts, 1853 to 1869, shall cease.

3. *Provision for absence of secretary.* The signature of any officer of the Board (whether assistant secretary or other) who for the time being is authorised by an order of the Board signed by two Commissioners to act on behalf of the secretary of the Board shall, for all purposes of the Charitable Trusts Acts, 1853 to 1869, or any other enactment, be as valid as the signature of the secretary; and a reference in any enactment to the signature of the secretary shall include a reference to the signature of such officer, and any document signed by an officer expressed to be so authorised shall be received in evidence without proof of the authority.

4. *Amendment of Charitable Trusts Acts as to official trustees of charitable funds.* (1.) From and after the date fixed by a regulation under this section, such officers of the Board as the Board with the approval of the Treasury from time to time appoint shall, in lieu of the persons mentioned in the Charitable Trusts Amendment Act, 1855, be the official trustees of charitable funds;

Provided that any inspector or officer of the Board, who at the passing of this Act is official trustee of charitable funds, and is not, after the passing of this Act, appointed to be official trustee shall, while he continues to hold his inspectorship or office, receive not less salary than he received while official trustee.

(2.) From and after the said date, notwithstanding anything in the Charitable Trusts Acts, 1853 to 1869, the Treasury may, by regulations to be made or approved by them, from time to time prescribe:

(a) the accounts to be kept by the said official trustees and the mode in which and the persons by whom such accounts and the banking accounts, and any other accounts required by the Charitable Trusts Acts, 1853 to 1869, to be kept by or on behalf of the official trustees of charitable funds, are to be kept;

(b) the mode in which orders authorised by law for the payment of any money to or by the said official trustees or held upon their banking account, or for the transfer of any stock or securities to or by the said official trustees, are to be signed, authenticated, and carried into effect; and

(c) the mode in which the business of the said official trustees generally is to be conducted:

Provided that separate accounts shall continue to be kept for each charity.

(3.) The accounts of the said official trustees shall be audited by such person and in accordance with such regulations as the Treasury from time to time appoint and prescribe.

(4.) A regulation under this section, or an order made under any such regulation, shall be a complete indemnity to the Governor and Company of the Bank of England, and all companies and persons, for any act done pursuant to such regulation or order, and the said Governor and Company, and other companies and persons, shall conform to such regulation or order.

5. *Declaration as to power of official trustee of charity lands to take and hold land.* The official trustee of charity lands shall be authorised and be



deemed always to have been authorised to take and hold all such land and estate or interest in land, as, in pursuance of an order of the board, is conveyed to or vested in him by any deed or assurance or otherwise.

6. *Repeal.*] The Acts specified in the Second

Schedule to this Act are hereby repealed to the extent in the third column of that schedule mentioned: Provided that

(s.) this repeal shall not affect anything already done or suffered, or the tenure, salary, or powers of any officer holding office at the passing of this Act;

(b.) this repeal, so far as regards the official trustees of charitable funds, shall take effect on the date on which regulations under this Act in relation to such trustees come into operation.

#### SCHEDULES. FIRST SCHEDULE.

SECTIONS OF CHARITABLE TRUSTS ACTS RELATING TO INSPECTORS AND APPLIED TO ASSISTANT COMMISSIONERS.

Session and Chapter.	Title of Act.	Sections applied.
16 & 17 Vict. c. 137 -	The Charitable Trusts Act, 1853 - - - - -	Sections five, nine, ten, eleven, twelve, fourteen, fifteen, nineteen, twenty-three, fifty-four, fifty-six, fifty-seven, and fifty-eight.
18 & 19 Vict. c. 124 -	The Charitable Trusts Amendment Act, 1855 - - - - -	Sections six, seven, and eight.
23 & 24 Vict. c. 136 -	The Charitable Trusts Act, 1860 - - - - -	Section six.
31 & 33 Vict. c. 110 -	The Charitable Trusts Act, 1869 - - - - -	Section nine.

#### SECOND SCHEDULE. ENACTMENTS REPEALED.

Session and Chapter.	Title of Act.	Part repealed.
16 & 17 Vict. c. 137 -	The Charitable Trusts Act, 1853 - - - - -	So much of section one as relates to the inspectors; section four, section fifty-one down to "charitable funds and" inclusive, and section fifty-two down to the words "each separate charity and" inclusive.
18 & 19 Vict. c. 124 -	The Charitable Trusts Amendment Act, 1855 - - - - -	Section three; in section four the words "or in his absence, of the chief clerk"; in section five the words "or in his absence, of the chief clerk"; section seventeen; in section eighteen the word "present," and the words "to be so appointed"; section twenty, from the words "and the secretary" inclusive to end of section; section twenty-four, from "and the said trustees" inclusive to end of section.
23 & 24 Vict. c. 136 -	The Charitable Trusts Act, 1860 - - - - -	In section seventeen the words "appointed under or in pursuance of the first or secondly recited Act."

#### CAP. L.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and eighty-eight, and to appropriate the Supplies granted in this Session of Parliament.

[16th September 1887.]

#### CAP. LI.

An Act to amend the Valuations of Lands (Scotland) Amendment Act, 1867.

[16th September 1887.]

#### CAP. LII.

An Act to amend the Secretary for Scotland Act, 1885.

[16th September 1887.]

#### CAP. LIII.

An Act for repealing certain Enactments relating to Escheators and the Procedure in cases of Escheat; and for regulating the Procedure in such cases.

[16th September 1887.]

Whereas most of the enactments relating to escheators and the process of finding the title of the Crown in cases of escheat are now practically inoperative, and it is expedient to repeal them, and to authorise rules to be made for regulating the procedure in such cases:

Be it therefore enacted, &c.:

1. *Short title.*] This Act may be cited as the Escheat (Procedure) Act, 1887.

2. *Power to regulate procedure with respect to escheats to Crown.*] (1.) The Lord Chancellor may from time to time, with the assent of the Treasury, make rules for the procedure on and incidental to and consequential on the holding of inquiries into the title of Her Majesty in right of the Crown, or the title of the Duke of Cornwall, or of the personage for the time being entitled to the possessions of the Duke of Cornwall, to any real estate or any interest therein in cases of escheat or alleged escheat,

whether in relation to the Crown or otherwise, or the holding of any inquest of office not otherwise regulated by law.

(2.) Such rules shall provide that an inquisition touching real estate shall find of whom the real estate was held, and that every inquisition shall be forthwith returned in the central office of the Supreme Court of Judicature, and that every person aggrieved by any such inquisition shall be entitled to traverse the same, or to object thereto, in such manner as may be from time to time directed by rules of court.

(3.) Subject to the provisions of section six of the Intestates Estates Act, 1894 [47 & 48 Vict. c. 71], no grant shall be made of any real estate alleged to be escheated until after the inquisition finding the title thereto has been returned to the central office of the Supreme Court of Judicature.

(4.) An inquisition shall not prejudice any rights which, at the time of the death of the person that led to the inquisition, were vested in some other person.

(5.) If the inquisition does not find of whom the real estate was held, any person aggrieved shall be entitled to obtain from the High Court an order for the taking of another inquisition.

(6.) This Act shall apply to inquiries into the title of Her Majesty in right of Her Duchy of Lancaster, with this qualification, that any rules which may be made under this Act shall be made by the Chancellor of the Duchy of Lancaster with the approval of the Lord Chancellor.

(7.) All rules made under this section shall be laid before Parliament within three weeks after they are made, if Parliament is then sitting, and if Parliament is not then sitting, within three weeks after the beginning of the then next session of Parliament, and shall be judicially noticed, and shall have effect as if enacted by this Act.

3. *Repeal.*] The Acts mentioned in the schedule to this Act are hereby repealed to the extent in that schedule mentioned.

Provided that—

(1.) This repeal shall not affect the validity or invalidity of anything done or suffered, or any right accrued or liability incurred before the commencement of this Act, or any pro-

ceedings pending at the commencement of this Act; and

(2.) Any such proceeding may be carried on in like manner as if this Act had not been passed; and

(3.) Except so far as may be otherwise directed by rules under this Act, any procedure or practice heretofore in use under the provisions of any Act hereby repealed or otherwise may be used as if this Act had not been passed.

#### SCHEDULE.

This schedule is to be read as referring to the Revised Edition of the Statutes prepared under the direction of the Statute Law Committee.

The chapters of the Statutes (before the division into separate Acts) are described by the marginal abstracts given in that edition.

The repeal by the present Act of a part of a statute set out or referred to in terms of the translation given in that edition is to operate on the original Latin or Norman-French, of which the translation is set out or referred to, as if the original itself were in like manner set out or referred to.

A description or citation of a portion of an Act is inclusive of the words, section, or other part, first or last mentioned, or otherwise referred to as forming the beginning, or as forming the end of the portion comprised in the description or citation.

29 Edw. 1. A statute for escheators.  
14 Edw. 3. Escheators: their number; appointment; continuance in office; Coroners: their sufficiency.

Stat. 1. c. 6. In part: namely, except so far as relates to Coroners.

25 Edw. 3. Declaration what offences shall be adjudged treason, &c.

Stat. 5. c. 2. In part: namely, from "and if in such case" to end of chapter.

36 Edw. 3. Escheators shall have no fee of lands in wards, nor commit waste.

c. 12. Fine, and triple damages to the heir injured.  
Extended to lands seized by inquest of office.

- Such inquiries may be traversed in Chancery.  
The land may be demised to the tenant until judgment.  
Escheators shall take inquests as directed by the statute 34 Edw. 3. c. 13 (s) on penalty of fine and imprisonment.
- 8 Hen. 6. c. 16. Escheators shall take no inquests but by persons returned by the sheriffs in their proper counties; on penalty of forty pounds.  
No lands seized into the King's hands upon inquests shall be let to farm until after inquests returned; if the party grieved traverse the inquests, within a month, the lands shall be let to farm to him, as under 36 Ed. 3. c. 13. All letters patent to the contrary void.  
Escheators shall return offices found before them within a month.
- 18 Hen. 6. c. 6. Recital of the statute 8 Hen. 6. c. 16 as to grant of lands by the King after office found.  
No grant of lands shall be made by the King, until office found and returned, if the King's title be not of record; nor within the month after such return, unless to the traverser.
- 18 Hen. 6. c. 7. Escheators not duly returning offices shall pay damages to the King, &c. above the penalty under Statute 8 Hen. 6. c. 16.  
Treasurer shall be associate with the Chancellor, &c.
- 23 Hen. 6. c. 16. When and where escheators shall take inquests:  
Fees of escheators.  
Penalty.  
On traverse of inquest no protection in seire facias.  
Leases to traversers.
- 1 Hen. 8. c. 8. An Act against Escheators and Commissioners for making false returns of Offices and Commissions.
- 1 Hen. 8. c. 10. An Act that no Lease shall be made of Lands seized into the King's Hands, but in certayne cases.
- 2 & 3 Edw. 6. c. 8. An Act touching the findings of Offices before the Escheator.

## CAP. LIV.

An Act to enable Her Majesty to provide for the Government of Her Possessions acquired by Settlement.  
[16th September 1887.]

## CAP. LV.

An Act to consolidate the Law relating to the office of Sheriff in England, and to repeal certain enactments relating to Sheriffs which have ceased to be in force or have become unnecessary.  
[16th September 1887.]

Be it enacted, &c.:

## Preliminary.

1. *Short title.* This Act may be cited as the Sheriffs Act, 1887.

2. *Extent of Act.* This Act shall not extend to Scotland or Ireland.

## Appointment and Qualification.

3. *Annual appointment of sheriff and duration of office.* (1.) A sheriff shall be annually appointed for every county.

(2.) Save as provided by this Act, a sheriff shall not hold office for more than one year, and a grant after the passing of this Act of the office for more than one year shall be void.

(3.) The office of sheriff or of any officer of a sheriff shall not become void by reason of the demise of the Crown, or in Cornwall of the Duchy of Cornwall, but the person holding the office shall, unless sooner removed or superseded, con-

tinue in office for the remainder of his term, in like manner as if such demise had not taken place.

4. *Qualification of sheriffs.* A person shall not be appointed sheriff nor bailiff of a franchise except he have sufficient land within his county or bailiwick to answer the Queen and her people.

5. *Same person not to be chosen twice in three years.* A person who has been sheriff of a county for a whole year shall not within three years next ensuing be appointed sheriff of that county unless there is no other person in the county qualified to fill the office.

6. *Nomination and appointment of sheriffs.* (1.) On the twelfth day of November in every year (or if that day fall on a Sunday then on the ensuing Monday) persons fit to serve as sheriffs shall be nominated for every county at the Royal Courts of Justice in the manner that has been heretofore used and observed, and shall be so nominated by the following great officers, namely, the Lord High Chancellor of Great Britain, the Lord High Treasurer, or if there is no Lord High Treasurer, the Chancellor of the Exchequer, the Lord President and others of Her Majesty's Most Honourable Privy Council, and the Lord Chief Justice of England, or any two or more of such great officers, taking to them the judges of Her Majesty's High Court of Justice, or any two or more of them.

(2.) Whenever Her Majesty has duly picked a person to be sheriff of a county, the same shall be forthwith notified in the London Gazette; and a warrant in the form in the First Schedule to this Act shall be forthwith made out and signed by the Clerk of the Privy Council and transmitted by him to the person so picked; and the appointment of sheriff so made shall be of the same effect as if made by patent under the Great Seal; and every sheriff so appointed upon making the declaration of office in this Act mentioned shall by virtue of this Act only and without payment of any fee have and exercise all powers, privileges, and authorities usually exercised and enjoyed by sheriffs of counties in England.

(3.) A duplicate of the said warrant shall within ten days after the date thereof be transmitted by the Clerk of the Privy Council to the clerk of the peace of the county for which such person is appointed sheriff and shall be enrolled and kept by the said clerk of the peace without fee.

(4.) Nothing in this section shall apply to the counties of Cornwall, Lancaster, or Middlesex.

7. *Declaration of office.* (1.) Every sheriff shall, before he enters on the execution of his office, make and subscribe a declaration in the form in the Second Schedule to this Act or to the like effect before one of the judges of Her Majesty's High Court of Justice or before a justice of the peace for the county of which he is sheriff.

(2.) Every sheriff shall continue to be and act as sheriff until his successor has made the said declaration and entered upon office.

## Powers, Duties, and Liabilities.

8. *Powers of sheriff for posse comitatus.* (1.) Every person in a county shall be ready and appalled at the command of the sheriff and at the cry of the country to arrest a felon whether within a franchise or without, and in default shall on conviction be liable to a fine, and if default be found in the lord of the franchise he shall forfeit the franchise to the Queen, and if in the bailiff he shall be liable besides the fine to imprisonment for not more than one year, or if he have not wherewith to pay the fine, than two years.

(2.) If a sheriff finds any resistance in the execution of a writ he shall take with him the power of the county, and shall go in proper person to do execution, and may arrest the resistors and commit them to prison, and every such resistor shall be guilty of a misdemeanour.

9. *Duties at assizes.* In the time of the assizes a court of quarter sessions in the county may direct a sufficient number of police constables to be employed to keep order in and within the precincts of the court of assize, and the chief constable shall comply with such direction, but if such direction is not given the sheriff shall have a sufficient number of men servants in liveries attending upon him for the purpose of so keeping order and of protecting the judges of assize.

10. *Duties as to execution of writs.* (1.) A sheriff at the request of a person delivering a writ to him for execution shall give a receipt for that writ stating the day of its delivery.

(2.) A sheriff shall not return to a writ that he has delivered it to a bailiff of some liberty not heretofore recorded in the Exchequer.

11. *Duties on receipt of debt to Crown.* (1.) Where a sheriff or his officer or other person employed in collecting by process from any court any debt due to the Crown receives from any person a sum due to the Crown he shall give a receipt to such person for that sum; and the sheriff, at the next account after a sum due to the Crown has been paid to him or his officer, shall procure the effectual discharge of the debtor paying the same.

(2.) An officer of a sheriff receiving any such sum shall account for it to the sheriff, and the sheriff shall give a receipt for such sum.

(3.) In case of any default under this section, the sheriff and his heirs, executors, and administrators, shall be liable to pay any damages suffered by a debtor in consequence of such default.

12. *Duties as to return of jurors.* A sheriff or any officer of a sheriff shall not return in any panel for an inquest or jury any officer or servant of the sheriff or of such officer.

13. *Duties as to execution of judgment of death.* (1.) Where judgment of death has been passed upon a convict at any court of assize or any sessions of oyer and terminer or gaol delivery held for any county or riding or division or other part of a county, the sheriff of such county shall be charged with the execution of such judgment, and may carry such judgment into execution in any prison which is the common gaol of his county or in which the convict was confined for the purpose of safe custody prior to his removal to the place where such court was held, and shall, for the purpose of such execution, have the same jurisdiction and powers over and in the prison in which the judgment is to be carried into execution, whether such prison is or is not situate within his county, and over the officers of such prison, as he has by law over and in the common gaol of his county and the officers thereof, or would have had if the Prison Act, 1885 [38 & 39 Vict. c. 126], and the Prison Act, 1877 [40 & 41 Vict. c. 21], had not passed, and shall be subject to the same responsibility and duties as if the said Acts had not passed.

(2.) This section shall be in addition to and not in derogation of any power authorised to be exercised by Order in Council under the Winter Assizes Act, 1876 [39 & 40 Vict. c. 57], and the Spring Assizes Act, 1879 [42 & 43 Vict. c. 1], or either of them, and of the provisions of the Central Criminal Court (Prisons) Act, 1881 [44 & 45 Vict. c. 64].

14. *Duties on arrest of civil debtors.* (1.) Where an officer being a sheriff, under-sheriff, bailiff, serjeant-at-mace, or other officer whatsoever arrests or has in custody any person by virtue of any action, writ, or attachment for debt, such officer shall not—

(a.) convey such person without his free consent to any house licensed for the sale of intoxicating liquor, or to the private house of such officer or of any tenant or relation of such officer: nor

(b.) charge such person with any sum for, or procure him to call or pay for, any liquor, food, or thing whatsoever, except what he freely asks for; nor

(c.) take such person to any prison within twenty-four hours of the time of his arrest, unless such person refuses to be carried to some safe and convenient dwelling-house of his own nomination, not being the private dwelling-house of such person, and being within the borough or town where such person was arrested, or if he was not arrested within a borough or town then within three miles of the place and in the county or franchise in which he was arrested; but shall at all times permit such person to send for and to have brought to him at reasonable times in the day any food or liquor from what place he thinks fit, and also to have and use such bedding, linen, and other necessary things as he has occasion for or is supplied with, and shall not purloin or



detain the same or require any payment for the use thereof or restrict the use thereof.

(2.) Every court of quarter sessions in a county shall from time to time make an order allowing sums which may be taken from prisoners arrested in such county on any action, writ, or attachment, in respect of one or more nights lodging or for a day's diet or for other expenses of such person, and may from time to time vary such order as seems expedient.

(3.) A copy of every such order signed by the clerk of the peace shall be fixed in some conspicuous place in the sessions house or other proper place of the county as the court may order, so that the same may be there seen and examined as occasion may require.

(4.) For the purpose of making known the provisions of this section a printed copy thereof shall be delivered by every sheriff, under-sheriff, secondary of the City of London, and other person entrusted with causing the execution of any writ or attachment, to the bailiff, sergeant-at-mace, officer, or other person employed to execute the same.

(5.) It shall be part of the conditions of every security given to any sheriff, or under-sheriff, by any bailiff, sergeant-at-mace, officer, or other person employed to execute any writ or attachment under him that such bailiff, sergeant-at-mace, officer, and other person will show a printed copy of this section to every person whom he arrests and goes with to any house where intoxicating liquor is sold, and also will permit such person or his friend to read over such copy before any liquor or food is called for or brought to him, and any breach by such bailiff, sergeant-at-mace, officer, or person of such condition shall be a misdemeanour in the execution of the writ or attachment, besides being a breach of the conditions of the security.

15. *Liability for wrongful imprisonment.* A person unlawfully imprisoned by a sheriff or any of his officers shall have an action against such sheriff in like manner as against any other person that should imprison him without warrant.

16. *Liability for escape.* (1.) If a person in the custody of the sheriff or any of his officers or of any other person, either in execution or for non-performance of a judgment or order of the High Court of Justice, or for contempt of that court or otherwise in the course of a civil proceeding, escapes out of legal custody, such sheriff or other person shall be liable to pay the damages sustained by the person at whose suit such prisoner was taken into custody, and all costs of any action or other proceeding to recover the same, but not any further sum.

(2.) A sheriff shall not be liable for the escape of any prisoner when confined in any prison subject to the Prison Act, 1887. [40 & 41 Vict. c. 21. s. 31.]

17. *Disability to act as justice of the peace.* A person shall not, while he is sheriff of a county, act as a justice of the peace for that county, and if he does so act, all his acts done as such justice of the peace shall be void.

18. *Holding of courts.* (1.) A sheriff shall not be bound to hold a county court except where the holding of such court is required for the purpose of an election or of the due execution of some writ or for any other specific purpose, in which case he shall hold a court at the time fixed for such purpose by law or by such writ, or if no time is so fixed, as soon as is reasonably practicable after he is informed of the necessity for holding such court, or receives such writ, and where more than one court is required to be held for any such purpose, he shall hold courts at intervals not exceeding one month from each other.

(2.) A sheriff's county court shall be held at the place heretofore appointed or authorized by law, or at such other place as the sheriff may from time to time fix with the consent of the authority having for the time being power to divide the county into polling districts for the purpose of parliamentary elections.

(3.) A sheriff shall not hold pleas of the Crown, and shall not under any commission or writ take any inquest whereby any person is indicted.

(4.) The sheriff's tourn is hereby abolished.

19. *Letting of county.* (1.) A hundred or wapentake shall not as respects the powers and duties of sheriffs be severed from the county.

(2.) A sheriff shall not let to farm his county or any part thereof.

20. *Fees and poundage.* (1.) A sheriff shall be entitled in respect of all sums due to the Crown, and collected by him under process of any court, to an allowance upon his accounts of one shilling and sixpence in the pound for every sum not exceeding one hundred pounds, and of one shilling for every pound exceeding the first hundred pounds.

(2.) Any sheriff or officer of a sheriff concerned in the execution of process directed to the sheriff, other than process for the recovery of the aforesaid sums due to the Crown, may demand, take, and receive such fees and poundage as may from time to time be fixed by the Lord Chancellor, with the advice and consent of the judges of the Court of Appeal and High Court of Justice, or any three of them, and with the concurrence of the Treasury.

(3.) Any sheriff or officer of a sheriff, and any officer arresting or having in custody any person by virtue of any action, writ, or attachment, shall not demand or take any reward to do his office, except such remuneration as is given to the sheriff by the Crown, or is given to an officer of the sheriff by the sheriff, and such fees and poundage as are above mentioned or are allowed by or in pursuance of any other act, and, save as allowed by this Act, shall not demand or take directly or indirectly any reward for doing his office or duty or for abstaining therefrom, or in respect of the mode in which he does his office or duty.

(4.) Where a sheriff seizes any personal estate for any sum due to the Crown and dies or is superseded before he has sold the same and his successor sells the same, the poundage and fees due in respect of the seizure and sale shall be apportioned between the preceding and subsequent sheriffs in such manner and proportions as a judge of the High Court of Justice may on application determine, having regard to the expense and trouble that each sheriff had.

#### Accounts.

21. *Transmission of accounts of sheriff.* (1.) Every sheriff shall within two months after the expiration of his office, or in case of the death of any sheriff the under-sheriff by him appointed shall within two months next after the death of such sheriff, transmit to the Treasury a just and true account under his hand—

(a.) of all sums received by such sheriff for the use of the Crown, and of all sums paid or claimed by him or on his behalf (including such sums as have been usually inserted in the bill of lading), with all such particulars as are needful to explain the same, and

(b.) of the names and residences of all persons incurring fines, issues, amerciaments, forfeited recognisances, or sums of money which he has been authorized to levy by virtue of any writ issued to him or to any predecessor in office, and if the same have not been levied; the causes of their not having been levied;

and the Treasury may grant a warrant for the allowance of the sums so paid or claimed in the account, or for the payment of such sum of money in respect thereof as they may think reasonable:

(2.) Provided as follows:—

(a.) a sheriff or under-sheriff shall not be imprisoned upon any process for not finishing his accounts in due time, or for any contempt or neglect in relation to his accounts, except by a warrant naming such sheriff or under-sheriff and specifying his offence, and issued by one of the judges of the High Court of Justice;

(b.) an under-sheriff shall not be personally responsible for any sum received by a deceased sheriff, but the same shall be answered by the representatives of the deceased sheriff or otherwise in due course of law; and

(c.) nothing in this section shall alter the right of any body corporate or person under any charter to receive any fines or other sums.

22. *Audit of accounts of sheriff.* (1.) All accounts of sheriffs and their under-sheriffs which are transmitted to the Treasury under this Act shall be examined and audited by such persons and in such manner as the Treasury may from time to time by warrant direct; and the Treasury may by any warrant make such provisions in relation to the transmission, examination, verification, and audit of such accounts, and for ascertaining and determining the balances due from and the discharge of the persons accounting, as to the Treasury may seem proper.

(2.) Every such warrant shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament be sitting, and if Parliament be not sitting then within fourteen days after the next meeting of Parliament.

(3.) If under any such warrant it is necessary for a sheriff or under-sheriff to take any oath to any account or any matter relating thereto, such oath, except when the Treasury require his personal examination before the person appointed by them to audit, may be sworn before any judge of Her Majesty's High Court of Justice, or before any master of the Supreme Court of Judicature, or before any commissioner for taking oaths in the Supreme Court of Judicature, or before any justice of the peace.

(4.) If any officer, clerk, or other person concerned in the passing of sheriff's accounts by his wilful act or default hinders any sheriff in passing his accounts, or obtaining his *quittus*, he shall make such satisfaction to the party aggrieved as may be ordered by Her Majesty's High Court of Justice or any judge thereof on complaint made in such summary manner as the said court may order.

#### Under-Sheriff and Officers.

23. *Obligation to appoint under-sheriff and declaration of office by under-sheriff.* (1.) Every sheriff shall within one month after the notification of his appointment in the *London Gazette*, by writing under his hand, appoint some fit person to be his under-sheriff, and shall transmit a duplicate of such written appointment to the clerk of the peace for the county, which shall be filed by him among the records of his office.

(2.) For filing such duplicate the clerk of the peace shall be entitled to demand and receive from the under-sheriff such fee as may be from time to time fixed in pursuance of the enactments relating to fees of clerks of the peace, and until any fee is so fixed a fee of five shillings.

(3.) Every under-sheriff shall before he enters on the execution of his office make a declaration in the form in the Second Schedule to this act, or to the like effect before one of the judges of Her Majesty's High Court of Justice, or before a justice of the peace for the county for which such under-sheriff is appointed.

24. *Obligation to appoint deputy resident in London.* Every sheriff shall appoint a sufficient deputy, who shall be resident or have an office within one mile from the Inner Temple Hall, for the receipt of writs, the granting of warrants thereon, the making of returns thereon, and the acceptance of all rules and orders to be made on or touching the execution of any process or writ to be directed to such sheriff.

25. *Execution of office by under-sheriff on death or suspension of sheriff.* (1.) Where the sheriff of a county dies before the expiration of his year of office, or before he is lawfully superseded, the under-sheriff by him appointed shall nevertheless continue in office, and shall until another sheriff be appointed for the said county and has made the declaration of office, execute the office of sheriff, in the name of the deceased sheriff, and be answerable for the execution of the said office as the deceased sheriff would by law have been if living; and the security given to the sheriff so deceased by the said under-sheriff and his pledges shall remain and be a security to the Crown and to all persons whomsoever for such under-sheriff's due execution of the offices of sheriff and under-sheriff.

(2.) When it becomes the duty of an under-sheriff to act as sheriff under the provisions of this section he may by writing under his hand appoint a deputy.

26. *Declaration by Bailiffs, &c.* Every deputy bailiff and officer of a sheriff or under-sheriff, and every other person who has authority or takes upon himself to impanel or return any inquest, jury, or tales, or to intermeddle with the execution of writs issued by any court of record, shall before he does so make a declaration (which shall be exempt from stamp duty) in the form in the second schedule to this Act, or to the like effect before any judge of the High Court of Justice or justice of the peace for the county or borough in which he exercises such authority.

27. *Sole of office prohibited.* (1.) A person shall not directly or indirectly by himself or by any person in trust for him or for his use buy, sell, let, or take to farm the office of under-sheriff, deputy-sheriff, bailiff,

or any other office or place appertaining to the office of sheriff, nor contract for, promise, or grant for any valuable consideration whatever any such office or place, nor give, promise, or receive any valuable consideration whatever for any such office or place.

(2.) Any person who acts in contravention of this section, not being an under-sheriff, deputy-sheriff, bailiff or officer of a sheriff, shall be liable to the same punishment as if he were an under-sheriff, deputy-sheriff, bailiff, or officer.

(3.) Provided that this section shall not prevent the sheriff or under-sheriff from demanding and taking the lawful fees and perquisites of the office of sheriff or of any place or employment belonging thereto, nor from taking security for duly answering for the same, and shall not prevent any officer of a sheriff from accounting to the sheriff for the fees and perquisites received by him in respect of his office, nor from giving security so to account, and shall not prevent a sheriff from giving nor an officer from receiving a salary or remuneration for the execution of his office.

#### Outgoing Sheriff.

28. *Outgoing sheriff to turn over prisoners and process to incoming sheriff.* (1.) Every sheriff shall at the expiration of his term of office make out and deliver to the incoming sheriff a correct list and account under his hand of all prisoners in his custody and of all rolls and writs in his hands not wholly executed by him, with all such particulars as may be necessary to explain to the incoming sheriff the several matters intended to be transferred to him, and shall thereupon turn over and transfer to the custody of the incoming sheriff all such prisoners rolls and writs, and all records, books, and matters appertaining to the office of sheriff.

(2.) The incoming sheriff shall thereupon sign and give to the outgoing sheriff a duplicate of such list and account, which shall be a good and sufficient discharge to him of and from all the prisoners therein mentioned and the execution of the writs and other matters therein contained; and thereupon the incoming sheriff shall stand charged with the said prisoners and with the execution and care of the said rolls, writs and other matters contained in the said list and account.

(3.) A sheriff shall not be called upon to make a return of any writ after the expiration of six months from the date at which he ceases to hold his office.

#### Miscellaneous.

29. *Punishment for misconduct.* (1.) If a person being a sheriff, under-sheriff, bailiff, or officer of a sheriff, whether within a franchise or without, does any of the following things, that is to say—

- (a.) conceals or procures the concealment of any felon; or
- (b.) refuses to arrest any felon in his bailiwick; or
- (c.) lets go at large a prisoner who is not bailable, or
- (d.) is guilty of an offence against or breach of the provisions of this Act,

he shall (without prejudice to any other punishment under the provisions of this Act) be guilty of a misdemeanor, and be liable on conviction to imprisonment for a term not exceeding one year and to pay a fine, or if he has not wherewith to pay a fine, to imprisonment for a term not exceeding three years.

(2.) If any person being either a sheriff, under-sheriff, bailiff, or officer of a sheriff, or being employed in levying or collecting debts due to the Crown by process of any court, or being an officer to whom the return or execution of writs belongs, does any of the following things, that is to say—

- (a.) withholds a prisoner bailable after he has offered sufficient security; or
- (b.) takes or demands any money or reward under any pretext whatever other than the fees or sums allowed by or in pursuance of this or any other Act; or
- (c.) grants a warrant for the execution of any writ before he has actually received that writ; or
- (d.) is guilty of any offence against or breach of the provisions of this Act, or of any wrongful act or neglect or default in the execution of his office or of any contempt of any superior court;

he and any person procuring the commission of any such offence shall, without prejudice to any other

punishment under the provisions of this Act, but subject as herein-after mentioned, be liable—

- (i.) to be punished by the court as herein-after mentioned; and
- (ii.) to forfeit two hundred pounds, and to pay all damages suffered by any person aggrieved, and such forfeiture and damages may be recovered by such person as a debt by an action in Her Majesty's High Court of Justice.

(3.) Any of the following courts, that is to say, Her Majesty's High Court of Justice, any court of assize, oyer and terminer or gaol delivery, or any judge of any of the said courts, also where the alleged offence has been committed in relation to any writ issued out of any other court of record than those above-mentioned, the court out of which such writ issued, may, on complaint made of any such offence as aforesaid having been committed and on proof on oath given by the examination of witnesses or by affidavit or on interrogatories of the commission of the alleged offence, and after hearing anything which the alleged offender may urge in his defence (which evidence and hearing may be taken and had in a summary manner) punish the offender or cause proceedings to be taken for his punishment in like manner as a person guilty of contempt of the said court may be punished.

(4.) The Court may order the costs of or occasioned by any such complaint to be paid by either party to the other and an order by the High Court of Justice in any such summary proceeding to pay any costs, damages, or penalty shall be of the same effect as a judgment of the High Court, and may be enforced accordingly.

(5.) Any of the said courts being a superior court of record may also proceed for and deal with such offence in like manner as for any contempt of such court.

(6.) If any person not being an under-sheriff, bailiff, or officer of a sheriff, assumes or pretends to act as such, or demands and takes any fee or reward under colour or pretext of such office, he shall be guilty of contempt of Her Majesty's High Court of Justice, and be liable to be punished in manner provided by this section as if he were an under-sheriff guilty of a contempt of such court.

(7.) Any proceeding in pursuance of this section against a sheriff, under-sheriff, or any other person to whom this section applies shall be taken within two years after the alleged offence was committed and not subsequently, and if the proceeding is in a summary manner shall be taken before the end of the sittings of the court held next after the offence was committed and not subsequently.

(8.) Nothing in this section shall render a person liable to be punished twice in respect of the same offence, but if any proceeding is taken against a person under this section for any offence the court or judge may postpone or stay such proceeding and direct any other available proceeding to be taken for punishing such offence.

30. *Filing and exemption from duty of declaration of office.* (1.) Every declaration of office made under this Act by a sheriff of a county or his under-sheriff shall be exempt from stamp duty and be transmitted to the clerk of the peace for the county, and be by him filed among the records of his office.

(2.) For filing such declaration the clerk of the peace shall be entitled to demand and receive from such sheriff or under-sheriff such fee as may be from time to time fixed in pursuance of the enactments relating to fees of clerks of the peace, and until any fee is so fixed a fee of five shillings.

#### Application of Act in Special Cases.

31. *Application of Act to Westmoreland and Wales.* Save as otherwise expressly provided by this or any other Act the law relating to sheriffs, inclusive of this Act and of the law relating to the election of members to serve in Parliament shall extend to the Counties Palatine, to the county of Westmoreland and each county in Wales in the same manner in all respects as to other counties in England, and the respective sheriffs of the above-mentioned counties shall have the like powers, duties, jurisdiction, and liabilities, as the sheriff of any other county in England.

32. *Application of Act to Cambridge and Huntingdon.* One sheriff may continue as heretofore to be appointed for the counties of Cambridge and Huntingdon as if they were one county.

33. *Saving for privileges of city of London and approval of election of sheriffs of Middlesex and London.* (1.) Nothing in this Act shall affect the privilege of the mayor, commonalty, and citizens of the city of London to elect the sheriff of Middlesex and sheriffs of London.

(2.) Unless otherwise directed by order of Her Majesty in Council, warrants signifying the approval by Her Majesty of the election of the sheriff of Middlesex and sheriffs of London shall be prepared under the seal of the Chancellor of the Exchequer at the central office of the Supreme Court of Judicature, which warrants may be delivered to the said sheriffs or their duly authorised agents without fee on the thirtieth day of September or between that day and the twelfth day of November in every year, and an entry of the grant of such warrants shall be made on the roll of the court, and unless such warrant be stayed by order of Her Majesty in Council on or before the said thirtieth day of September, the election of such sheriff or sheriffs shall be deemed to be approved by Her Majesty.

(3.) All warrants and documents relating to the said sheriff or sheriffs which heretofore have been filed and recorded in the central office of the Supreme Court of Judicature shall continue to be so filed and recorded.

(4.) Save as aforesaid and save as regards the maintenance of men servants and the duration of office, this Act shall apply to the sheriff of Middlesex and sheriffs of London in like manner as to any other sheriff.

34. *Application of Acts to franchisees.* Where a lord of a franchise or any other person or body corporate has in any franchise, that is to say, any liberty, hundred, franchise, or other part of a county, the return or execution of writs, or any other of the privileges or duties of a sheriff, the following provisions shall apply to such lord, person, or body corporate (in this Act referred to as the bailiff of a franchise) that is to say—

(a.) The bailiff of a franchise shall either hold the office himself, or shall put in bailiffs having land in the bailiwick sufficient to answer the Queen and her people, and shall answer for such bailiffs; and every such last-mentioned bailiff shall make the like declaration as an under-sheriff;

(b.) The sheriff of the county within which such franchise is situate shall within one month after a request made in that behalf by such lord appoint some sufficient deputy at such cost to be paid by the said lord, and to reside at such convenient place in or near the franchise, as may be appointed from time to time by the Lord High Chancellor of Great Britain and the Lord Chief Justice of England or one of them;

(c.) Every deputy so appointed shall reside at the said place, and, in the sheriff's name, shall receive and open, when tendered to him, all writs, the execution or return of which belongs to the bailiff of the franchise, and shall, without delay, issue to the said bailiff under the seal of the sheriff, and in such manner and form as the sheriff himself ought to do, the warrant required by law for the due execution of the said writs;

(d.) The bailiff of the franchise and not the sheriff shall be liable for the non-execution, mis-execution, or insufficient return of any writ, or for any misconduct in the performance of the said office or for any breach of the provisions of this Act; and any fine imposed on the bailiff of the franchise or his bailiff or officer shall notwithstanding any grant be paid to the Crown; and

(e.) All the provisions of this Act (except as herein-after mentioned) and every such enactment in any other Act as relates to the return of writs or juries, or to the due execution of any writ, or to the taking of fees, or to any extortion by sheriffs or their officers, or otherwise to the office and duties of sheriffs or their officers shall, together with all the liabilities, punishments, and forfeitures thereby imposed, extend to such bailiff of the franchise and his bailiffs and officers in like manner as if he and they were a sheriff or sheriffs' bailiffs and officers; provided that the enactment as to the appointment and duration of office of a sheriff shall not apply, and such bailiff of the franchise



and his bailiff shall be entitled to hold his office as long as he would have been entitled if this provision had not been enacted.

- (f.) In the case of the non-return of a writ, if the sheriff returns that he has delivered the writ to a bailiff of a franchise the sheriff shall be ordered to execute the writ notwithstanding the said franchise; and further to cause the bailiff of such franchise to attend before the High Court of Justice and answer why he did not execute the said writ.

35. *Duties of bailiffs of liberties and constables.* Every bailiff of a franchise within the meaning of the foregoing provisions of this Act, who in times past has been used or ought by himself or a bailiff to attend upon justices of assize or of gaol delivery and justices of the peace at large in any county shall continue so to attend and execute all writs directed to him for the administration of justice in such franchise, and shall give his attendance upon and assistance to the sheriff at all courts of gaol delivery from time to time for the execution of prisoners.

36. *Application of Act to sheriffs of counties of cities and counties of towns.* (1.) The sheriff of a county of a city or a county of a town other than London shall continue to be appointed in manner provided by the Municipal Corporations Act, 1882 (45 & 46 Vict. c. 50), and shall hold office for the term in that Act mentioned, and in the event of the death or incapacity of a sheriff so appointed, the council of the said city or town shall forthwith appoint another fit person to execute the office;

(2.) A person may be appointed to be such sheriff if he have sufficient property, whether of land or personalty, to answer the Queen and her people;

(3.) Every such sheriff shall perform the same duties as heretofore, and may receive such fees and remuneration out of the borough fund or other accustomed fund as have heretofore been accustomed;

(4.) Save as aforesaid this Act shall apply to a sheriff of a county of a city or a county of a town in like manner, as nearly as may be, as it applies to the sheriff of a county, and any jurisdiction by this Act vested in the justices in general or quarter sessions may be exercised, so far as regards constables, by the council, and so far as regards other matters, by the recorder of the said city or town.

37. *Saving for Duchy of Cornwall.* Nothing in this Act shall be prejudicial to the rights of the Crown in right of the Duchy of Cornwall, or to the Duke of Cornwall when there is a Duke of Cornwall.

#### Definitions and Repeal.

38. *Definitions.* In this Act unless the context otherwise requires—

The expression "the Treasury" means the Commissioners of Her Majesty's Treasury.

The expression "county" means a county at large, and does not include a county of a city or a county of a town.

The expression "writ" includes any process.

The expression "quarter sessions" includes general sessions.

39. *Repeal.*—The Acts specified in the Third Schedule to this Act are hereby repealed to the extent in the third column of the said Schedule mentioned:

Provided that—

- (1.) This repeal shall not affect,—
- anything duly done or suffered under any enactment hereby repealed; or
  - any right acquired, or obligation or liability incurred under any enactment hereby repealed; or
  - the right of any city or borough under any charter; or
  - any such power, right, privilege, obligation, liability, or duty of any sheriff or officer of a sheriff as exists by common law at the passing of this Act; or
  - any penalty or punishment incurred in respect of any offence committed against any enactment hereby repealed; or
  - any legal proceeding or remedy in respect of any such right, obligation, liability, power, right, privilege, duty, penalty or punishment as aforesaid; and any such legal proceeding and remedy may be carried on and had as if this Act had not been passed; and

(2.) This repeal shall not revive or restore any jurisdiction, office, duty, franchise, liberty, custom, privilege, practice, or procedure, or other matter or thing not existing or in force; and

(3.) Every sheriff, under-sheriff, bailiff, and officer holding office at the passing of this Act shall continue to hold such office, and be subject to be discharged therefrom in like manner, and shall have the same privileges, and be subject to the same duties and liabilities as if this Act had not passed; and

(4.) Any warrant, order, rules, or other matter or thing made in pursuance of any enactment hereby repealed shall continue and be of the same effect as if made in pursuance of this Act; and

(5.) Any fees or poundage authorised to be taken by or in pursuance of any enactment hereby repealed may continue to be taken until altered in pursuance of this Act.

40. *Saving for courts leet, &c.* (1.) Notwithstanding the repeal of any enactment by this Act every court leet, court baron, law day, view of frankpledge, or other like court which is held at the passing of this Act shall continue to be held on the days and in the places heretofore accustomed, but shall not have any larger powers, nor shall any larger fees be taken thereat than heretofore, and any indictment or presentment found at such court shall be dealt with in like manner as heretofore.

(2.) Where any enactment repealed by this Act applied to any coroner, escheator, or other officer, he shall continue to be governed by such enactment in like manner as if it had not been repealed; Provided that any enactment of this Act which is substituted as regards a sheriff or sheriff's officer for the enactment so repealed shall apply to such coroner, escheator, or officer, in lieu of the enactment so repealed.

#### SCHEDULES.

##### THE FIRST SCHEDULE.

###### FORM OF WARRANT APPOINTING SHERIFF.

[Section 6 (3).]

At the Court at the day of present the Queen's most Excellent Majesty in Council.

To A.B., of Whereas Her Majesty was this day pleased, by and with the advice of Her Privy Council, to nominate you for and appoint you to be sheriff of the county of during Her Majesty's pleasure:

These are therefore to require you to take the custody and charge of the said county, and duly to perform the duties of sheriff thereof during Her Majesty's pleasure, whereof you are duly to answer according to law.

Dated this day of By Her Majesty's command.

##### THE SECOND SCHEDULE.

###### DECLARATION OF SHERIFF AND UNDER SHERIFF.

[Sections 7 (1), 23 (3).]

I, A.B., of , in the county of , solemnly declare that I will well and truly serve the Queen's Majesty (and also his Royal Highness Duke of Cornwall) in the office of { sheriff / under-sheriff } of the county of

and promote Her Majesty's (and his Royal Highness's) profit in all things that belong to my office as far as I legally can or may; I will truly preserve the Queen's rights (and the rights of his Royal Highness) and all that belongeth to the Crown (or Duchy of Cornwall); I will not assent to decrease, lessen, or conceal the rights of the Queen or of her franchisees (or the rights of His Royal Highness, or of his franchisees); and whenever I shall have knowledge that the rights of the Crown (or Duchy) are concealed or withdrawn in any matter or thing I will do my utmost to make them be restored to the Crown (or Duchy) again; and if I may not do it myself I will inform the Queen (or his Royal Highness) or some of Her Majesty's judges thereof; I will not receive or delay to levy the Queen's debts for any gift promise

\* The words within brackets to be added in case of the Duchy of Cornwall.

reward or favour where I may raise the same without great grievance to the debtors; I will do right as well to poor as to rich in all things belonging to my office; I will do no wrong to any man for any gift reward or promise nor for favour or hatred; I will disturb no man's right, and will truly and faithfully acquit at the Exchequer all those of whom I shall receive any debts or sums of money belonging to the Crown (or Duchy); I will take nothing whereby the Queen (or his Royal Highness) may lose or whereby her (or his) right may be disturbed injured or delayed; I will truly return and truly serve all the Queen's writs according to the best of my skill and knowledge; [I will take no bailiffs into my service but such as I will answer for;] I will truly act and return reasonable and due issues of them that be within my bailiwick according to their estate and circumstances, and make due panels of persons able and sufficient and not suspected or procured as is appointed by the statutes of this realm; [I have not sold or let to farm, nor contracted for, nor have I granted or promised for reward or benefit, nor will I sell or let to farm nor contract for or grant for reward or benefit by myself or any other person for me or for my use directly or indirectly my sheriffwick or any bailiwick thereof or any office belonging thereto or the profits of the same to any person or persons whatsoever;] I will truly and diligently execute the good laws and statutes of this realm, and in all things well and truly behave myself in my office for the honour of the Queen (and his Royal Highness) and the good of her subjects, and discharge the same according to the best of my skill and power.

###### FORM OF DECLARATION FOR BAILIFF, DEPUTY, OR OFFICER OF SHERIFF [Section 23.]

I, A.B., do hereby solemnly and sincerely declare that I will not use or exercise the office of corruptly during the time that I shall remain therein, neither shall nor will accept, receive, or take by any colour, means, or device whatsoever, or consent to the taking of any manner of fee or reward of any person or persons before the empanelling or returning of any inquest, jury, or tales in any court of record for the Queen or her party and party above such fees as are allowed for the same by law, but will according to my power truly and indifferently with convenient speed empanel all juries and return all such writs touching the same as shall appertain to be done by my duty or office during the time that I shall remain in the said office.

##### THE THIRD SCHEDULE [Section 39.]

[This Schedule contains a long list of the enactments repealed, the provisions being constituted in the Act.]

#### CAP. LVI.

An Act to amend the Friendly Societies Act, 1875. [16th September 1887.]

Enacted, &c.:

1. *Short title and construction.* (1.) This Act may be cited as the Friendly Societies Act, 1887.

(2.) This Act, and the Friendly Societies Act,

\* The words within brackets to be added in case of the Duchy of Cornwall.

† In the case of under-sheriffs, omit the words between brackets.

‡ In the case of under-sheriffs, omit the words between brackets, and say: ["I have not bought purchased or taken to farm or contracted for nor have I promised or given any consideration nor will I buy purchase or take to farm or contract for promise or give any consideration whatsoever by myself or any other person for me or for my use directly or indirectly to any person whatsoever for the office of under-sheriff of the county of

which I am now to enter upon and enjoy, nor for the profits of the same nor for any bailiwick thereof or any other place or office belonging thereto; I have not sold nor contracted for or let to farm, nor have I granted or promised for reward or benefit by myself or any other person for me or for my use directly or indirectly any bailiwick thereof or any other place or office belonging thereto."]

1875, may be cited together as the Friendly Societies Act.

(3) The Friendly Societies Act, 1875, is hereinafter referred to as the principal Act.

2. *Amendment of 38 & 39 Vict. c. 60, s. 4.* In section four of the principal Act, after the definition of "branch," there shall be inserted as a separate paragraph:—

"Society" extends to a registered branch in sub-sections (5) and (6) of section 13, sub-sections (2), (3), and (4) of section 14, sub-sections (1) to (7) both included, (9) and (10) of section 15, sub-sections (1), (6), (7), (9), and (10), of section 16, sections 17, 19, and 20, sub-sections (2) and (4) of section 21, sections 22, 26, 28, 30, 31, 32, and 33 of this Act."

At the end of the same section there shall be added as a new paragraph:—

"The term 'Treasury regulations' means any regulations made and approved by the Treasury and for the time being in force under and by virtue of this Act."

3. *Amendment of 38 & 39 Vict. c. 60, s. 11, as to name of society.* In sub-section three of section eleven of the principal Act the words "nature or its" shall be inserted before the word "identity."

4. *Amendment of 38 & 39 Vict. c. 60, s. 14.* (1.) In sub-section one (f) of section fourteen of the principal Act the words "every five years" shall be substituted for the words beginning with "the five years" and ending with "under this Act."

(2) At the end of sub-section one (k) of the same section there shall be added: "Provided that it shall be deemed a sufficient compliance with this requirement if the society supplies gratuitously every member or person interested with a balance-sheet or other document, duly audited, containing the same particulars as to the receipts and expenditure, funds, and effects of the society as are contained in the annual return."

(3) To sub-section one of the same section shall be added the following paragraph, namely:—

This sub-section shall apply to a registered branch of a society as if it were a registered society, except that every notice, copy of a resolution, and annual return required by this sub-section to be sent to the registrar, shall be sent through an officer appointed in that behalf by the society of which the branch forms part.

(4) To sub-section two of the same section the following words shall be added:—"This sub-section shall not apply to deaths at sea."

(5) In sub-section three of the same section the words "or any officer or member thereof" shall be inserted after the words "any registered society," and the words "officer or person," after the words "the society."

5. *Amendment of 38 & 39 Vict. c. 60, s. 15.* (1.) In section fifteen, sub-section (3), of the principal Act, after the words "not being an officer or servant of the society," shall be inserted the words "unless such officer or servant is the husband, wife, father, mother, child, brother, sister, nephew, or niece of the nominator," and in sub-section (6) of the said section, for the words "absent from England or Ireland respectively," shall be substituted the words "absent from Great Britain or Ireland respectively."

(2) In the proviso (a.) to sub-section eight of the same section the words "twenty-one" shall be substituted for the word "sixteen."

6. *Amendment of 38 & 39 Vict. c. 60, s. 16.* (1.) In sub-section two of section sixteen of the principal Act, the words "in every county where it has an office" shall be omitted.

(2) In sub-section three of the same section for the words "in the trustees of such branch, or in the trustees of the society if the rules of the society so provide, for the use and benefit either of the members of such branch" shall be substituted the following words "wholly or partly in the trustees of such branch or of any other branch of which the same forms part (or, if the rules of the society so provide, in the trustees of the society), for the use and benefit either of the members of any such branch."

(3) In sub-section nine of the same section for the words "or by the central office" shall be substituted the following words, "or in the case of a branch, on the complaint of the central body of the society of which the branch forms part, or of any

member of the society or branch authorised by the central body, or in any case on the complaint of any member of the society or branch authorised by the central office."

7. *Interpretation of 38 & 39 Vict. c. 60, s. 22.* Section twenty-two of the principal Act includes and applies to every dispute between any registered branch under the Friendly Societies Act, or an officer thereof, of any registered society or registered branch and the registered society or branch of which the other party to the dispute is a registered branch, or any officer thereof, or between any two or more registered branches of any registered society or branch, or any officers thereof respectively, and there shall be inserted after the word "thereof" in the third line of the said section the words "or between any registered branch under the Friendly Societies Act, or an officer thereof, of any registered society or registered branch and the registered society or branch of which the other party to the dispute is a registered branch, or an officer thereof or between any two or more registered branches of any registered society or branch, or any officers thereof respectively."

8. *Amendment of 38 & 39 Vict. c. 60, s. 23.* (1.) In proviso (c.) to section twenty-three of the principal Act the word "either" shall be omitted, and after the word "society" there shall be inserted the following words:—

"or by the members or officers, or former members or officers, of the society in such proportions."

(2) In proviso (d.) to the same section after the word "shall" the following words shall be inserted:—

"apply to every society to which section thirty of this Act applies, other than an industrial assurance company, but save as aforesaid shall."

9. *Amendment of 38 & 39 Vict. c. 60, s. 25.* (1.) In sub-section one (c.) of section twenty-five of the principal Act the word "society" shall be omitted after the word "branch."

(2) *Amendment of 38 & 39 Vict. c. 60, s. 25, as to punishment of certain offences.* In sub-section seven (c.) of the same section there shall be added after the words "be liable" the words "either to such penalty as is by section thirty-two (sub-section two) of this Act imposed for an offence under this Act or."

(3) In sub-section eight (d.) of the same section the words "or the last preceding" shall be omitted.

(4) In sub-section nine of the same section after the word "shall" the following words shall be added:—

"apply to every society to which section thirty of this Act applies, other than an industrial assurance company, but save as aforesaid shall."

(5) *Notice of proceedings or order to set aside dissolution.* At the end of the same section there shall be added as a fresh sub-section:—

"Notice shall be sent to the central office of any proceeding to set aside the dissolution of a society or branch, not less than seven days before it is commenced, by the person taking such proceeding, and of any order setting a dissolution aside, by the society or branch, within seven days after such order is made."

10. *Amendment of 38 & 39 Vict. c. 60, s. 29, as to registration of branches.* To section twenty-nine of the principal Act shall be added the following sub-section:—

(7.) A registered branch shall not be registered as a society except on production to the registrar of a certificate under the hand of the chief secretary or other principal officer of the society that the branch has wholly succeeded, or has been expelled from the society.

Provided that the like appeal shall lie from the refusal of the chief secretary or other principal officer of the society, or his omission after one month from the receipt of a request in writing made on behalf of a branch to grant such a certificate, as from the refusal of the registrar to register the society or any rules.

11. *Additional provisions as to registered societies, &c.* After section twenty-nine of the principal Act there shall be added the following sections, which shall be numbered respectively 29A, 29B, and 29C:—

29A. *Conversion of registered societies into branches.* With respect to the conversion of registered societies into branches, the following provisions shall have effect:—

(1.) A society registered before the first day of January one thousand eight hundred and seventy-six may, by a resolution passed by three-fourths of the members or delegates present and entitled to vote at any general meeting, of which notice specifying the intention to propose such resolution has been duly given according to the rules, determine to become a branch under the Friendly Societies Act of any other registered society, and also, if thought fit, of any registered branch thereof; and if the rules of such society do not comply with all the provisions of this Act and of the Treasury regulations in respect of the registry of branches, the meeting at which such resolution is passed may amend such rules so as to bring the same in compliance with this Act and with the Treasury regulations.

(2.) A copy of the rules of such first-mentioned society marked to show the amendments, if any, made at such meeting, and two copies of such resolution as aforesaid, and of such amendment of rules, if any, each signed by the chairman of the meeting, and by the secretary of the society so determining to become a branch of any other society, and countersigned by the secretary of such other society, shall be sent to the registrar, and if the registrar finds that such rules, with or without such amendment as aforesaid, comply with the provisions of this Act and of the Treasury regulations, he shall cancel the registry of such first-mentioned society and register the same as a branch of such other society, and also, if so specified in the resolution before mentioned, of any branch of such other society, without further request or notice, and shall register such amendment of rules without further application or evidence, and until such registry such resolution as aforesaid shall not take effect.

(3.) No advertisement of any cancelling of registry under this Act shall be requisite.

(4.) The rules of a society which becomes a branch under this section shall, so far as the same are not contrary to any express provision of this Act or of the Treasury regulations, and subject to any amendment thereof as hereinafter provided, continue in force as the rules of such branch until amended.

29B. *Registered societies may contribute to funds of other societies.* Nothing in this Act contained shall prevent any registered society or branch from contributing to the funds or taking part by delegates or otherwise in the government of any other registered society or registered branch of a society, as may be provided in the rules of such first-named society or branch, without becoming a branch under the Friendly Societies Act of such other society or branch.

29C. *Forms of acknowledgment of registry for branches.* The acknowledgment of the registry of a branch, and of any amendment of the rules of a branch, shall be in the forms provided in the Fifth Schedule to this Act.

12. *Amendment of 38 & 39 Vict. c. 60, s. 30.* The following paragraph shall be substituted for the first paragraph of section thirty of the principal Act:—

"This section applies only to such friendly societies, whether registered or unregistered, and industrial assurance companies as receive contributions by means of collectors at a greater distance than ten miles from the registered office or principal place of business of the society or company."

13. *Additional provision as to fees.* After section thirty-six of the principal Act the following shall be added as a separate section, and shall be numbered 36A:—

36A. *Amount in fees payable on certificates of births or deaths.* Whenever application is made at one time to any registrar or other person having the care of any register of births or deaths for more certificates than one of the same birth or death for the purposes of and in the manner prescribed by section fifteen, sub-section nine, or section twenty-eight, sub-section three, of this Act, the sum charged



for every such certificate other than the first shall not exceed sixpence; and whenever the registrar or other person having the care of the register is required by the person applying for any certificate of birth or death to fill up the form of application, he may demand a sum not exceeding threepence for so doing.

14. *Amendment of Sch. II. of principal Act as to rules.* In paragraph four of Schedule II. of the principal Act (relating to the appointment and removal of a committee of management and to other matters), after the word "composition" the words "and powers" shall be added.

15. *Correction of misprint in Sch. II of principal Act.* In Schedule II. to the principal Act the provision marked 5 and beginning with the words "the right of one fifth" shall be read as if, instead of the words "five thousand," there were inserted therein the words "ten thousand."

16. *Addition of schedule to principal Act.* The First Schedule to this Act shall be added to the principal Act as Schedule V.

17. *Repeal.* The Acts set forth in the Second Schedule to this Act are hereby repealed to the extent mentioned in the third column of the said schedule, without prejudice to anything done thereunder.

18. *Construction and printing of principal Act.* (1.) The principal Act shall, as from the passing of this Act, take effect subject to the additions, omissions, and substitutions required by this Act. (2.) Any copy of the principal Act printed after the passing of this Act by any of the several printers to the Queen's most Excellent Majesty duly authorised to print the Statutes of the United Kingdom may be printed with the additions, omissions, and substitutions required by this Act.

# SECOND SCHEDULE. ACTS REPEALED.

Section and Chapter.	Title.	Extent of Repeal.
38 & 39 Vict. c. 60	The Friendly Societies Act, 1875	So much of section fourteen and of Schedule II. as relates to sending to the registrar every five years a return, to be called a quinquennial return, of the sickness and mortality experienced by the society, or as relates to such return.
39 & 40 Vict. c. 32	The Friendly Societies Amendment Act, 1876	The whole Act.
42 Vict. c. 9	An Act to declare the true meaning of section thirty of the Friendly Societies Act, 1875	The whole Act.
45 & 46 Vict. c. 35	The Friendly Societies (Quinquennial Returns) Act, 1882	The whole Act.
48 & 49 Vict. c. 27	The Friendly Societies Amendment Act, 1885	The whole Act.

## CAP. LVII.

An Act to provide for the Registration of Deeds of Arrangement. [16th September 1887.]

Be it enacted, &c.:

1. *Short title.* This Act may be cited for all purposes as the Deeds of Arrangement Act, 1887.

2. *Extent of Act.* This Act shall not extend to Scotland.

3. *Commencement of Act.* This Act shall, except as in this Act specially provided, come into operation on the first day of January one thousand eight hundred and eighty-eight, which date is in this Act referred to as the commencement of this Act.

4. *Application of Act.* (1.) This Act shall apply to every Deed of Arrangement, as defined in this section, made after the commencement of this Act. (2.) A Deed of Arrangement to which this Act applies shall include any of the following instruments, whether under seal or not, made by, for, or in respect of the affairs of a debtor for the benefit of his creditors generally (otherwise than in pursuance of the law for the time being in force relating to bankruptcy), that is to say:—

- An assignment of property;
- A deed of or agreement for a composition; and in cases where creditors of a debtor obtain any control over his property or business:—
- A deed of insolvency entered into for the purpose of carrying on or winding up a business;
- A letter of licence authorising the debtor or any other person to manage, carry on, realise, or dispose of a business, with a view to the payment of debts; and
- Any agreement or instrument entered into for the purpose of carrying on or winding up the debtor's business, or authorising the debtor or any other person to manage, carry on, realise, or dispose of the debtor's business, with a view to the payment of his debts.

5. *Avoidance of unregistered deeds of arrangement.* From and after the commencement of this Act a Deed of Arrangement to which this Act applies shall be void unless the same shall have been registered under this Act within seven clear days after the first execution thereof by the debtor or any creditor, or if it is executed in any place out of England or Ireland respectively, then within

seven clear days after the time at which it would, in the ordinary course of post, arrive in England or Ireland respectively, if posted within one week after the execution thereof, and unless the same shall bear such ordinary and ad valorem stamp as is under this Act provided.

6. *Mode of registration.* The registration of a Deed of Arrangement under this Act shall be effected in the following manner:—

- A true copy of the deed, and of every schedule or inventory thereto annexed, or therein referred to, shall be presented to and filed with the registrar within seven clear days after the execution of the said deed (in like manner as a bill of sale given by way of security for the payment of money is now required to be filed), together with an affidavit verifying the time of execution, and containing a description of the residence and occupation of the debtor, and of the place or places where his business is carried on, and an affidavit by the debtor stating the total estimated amount of property and liabilities included under the deed, the total amount of the composition (if any) payable thereunder, and the names and addresses of his creditors;
- No deed shall be registered under this Act unless the original of such deed, duly stamped with the proper inland revenue duty, and in addition to such duty a stamp denoting a duty computed at the rate of one shilling for every hundred pounds or fraction of a hundred pounds of the sworn value of the property passing, or (where no property passes under the deed) the amount of composition payable under the deed, is produced to the registrar at the time of such registration.

7. *Form of register.* The registrar shall keep a register wherein shall be entered, as soon as conveniently may be after the presentation of a deed for registration, an abstract of the contents of every Deed of Arrangement registered under this Act, containing the following and any other prescribed particulars:—

- The date of the deed;
- The name, address, and description of the debtor, and the place or places where his business is carried on, and the title of the firm or firms under which the debtor carries on business, and the name and address of the trustee (if any) under the deed;
- A short statement of the nature and effect of

the deed, and of the composition in the pound payable thereunder:

- The date of registration;
- The amount of property and liabilities included under the deed, as estimated by the debtor.

8. *Registrar and office for registration.* (1.) The Registrar of Bills of Sale in England and Ireland respectively shall be the registrar for the purposes of this Act.

(2.) In England the Bills of Sale Department of the Central Office of the Supreme Court of Judicature, and in Ireland the Bills of Sale Office of the Queen's Bench Division of the High Court of Justice, shall be the office for the registration of Deeds of Arrangement.

9. *Rectification of register.* The Court or a Judge upon being satisfied that the omission to register a Deed of Arrangement within the time required by this Act or that the omission or misstatement of the name, residence, or description of any person was accidental or due to inadvertence, or to some cause beyond the control of the debtor and not imputable to any negligence on his part, may on the application of any party interested, and on such terms and conditions as are just and expedient, extend the time for such registration, or order such omission or misstatement to be supplied or rectified by the insertion in the register of the true name, residence, or description.

10. *Time for registration.* When the time for registering a Deed of Arrangement expires on a Sunday, or other day on which the registration office is closed, the registration shall be valid if made on the next following day on which the office is open.

11. *Office copies.* Subject to the provisions of this Act, and to any rules made thereunder, any person shall be entitled to have an office copy of, or extract from, any deed registered under this Act upon paying for the same at the like rate as for office copies of judgments of the High Court of Justice, and any copy or extract purporting to be an office copy or extract shall, in all courts and before all arbitrators or other persons, be admitted as prima facie evidence thereof, and of the fact and date of registration as shown therein.

12. *Inspection of register and registered deeds.* (1.) Any person shall be entitled, at all reasonable times, to search the register on payment of one shilling, or such other fee as may be prescribed, and subject to

such regulations as may be prescribed, and shall be entitled, at all reasonable times, to inspect, examine, and make extracts from any registered Deed of Arrangement, without being required to make a written application or to specify any particulars in reference thereto, upon payment of one shilling, or such other fee as may be prescribed, for each Deed of Arrangement inspected.

(2.) Provided that the said extracts shall be limited to the dates of execution and of registration, the names, addresses, and descriptions of the debtor and of the parties to the deed, a short statement of the nature and effect of the deed, and any other prescribed particulars.

13. *Local registration of copy of deeds.* (1.) When the place of business or residence of the debtor who is one of the parties to a deed of arrangement, or who is referred to therein, is situate in some place outside the London Bankruptcy District, as defined by the Bankruptcy Act, 1883, the registrar shall, within three clear days after registration, and in accordance with the prescribed directions, transmit a copy of such deed to the registrar of the county court in the district of which such place of business or residence is situate.

(2.) Every copy so transmitted shall be filed, kept, and indexed by the registrar of the county court in the prescribed manner, and any person may search, inspect, make extracts from, and obtain copies of, the registered copy, in the like manner and upon the like terms, as to payment or otherwise, as near as may be, as in the case of deeds registered under this Act.

(3.) This section shall not apply to Ireland.

14. *Affidavits.* Every affidavit required by or for the purposes of this Act may be sworn before a Master of the Supreme Court of Judicature in England or Ireland, or before any person empowered to take affidavits in the Supreme Courts of Judicature of England or Ireland.

15. *Fees.* (1.) There shall be taken, in respect of the registration of Deeds of Arrangement, and in respect of any office copies or extracts, or official searches made by the registrar, such fees as may be from time to time prescribed; and nothing in this Act contained shall make it obligatory on the registrar to do, or permit to be done, any act in respect of which any fee is specified or prescribed, except on payment of such fee.

(2.) The twenty-sixth section of the Supreme Court of Judicature Act, 1875 [38 & 39 Vict. c. 77, s. 26], as regards England, and the eighty-fourth section of the Supreme Court of Judicature Act (Ireland), 1877, as regards Ireland, and any enactments for the time being in force amending or substituted for those sections respectively shall apply to fees under this Act, and orders under those sections may, if need be, be made in relation to such fees accordingly.

16. *Amendment of 46 & 47 Vict. c. 52, s. 28.* (1.) The third subsection, paragraph (g.) of the twenty-eighth section of the Bankruptcy Act, 1883, which enacts amongst other things that one of the facts on proof of which the court shall either refuse an order of discharge to a bankrupt, or suspend the operation of the order for a specified time, or grant the bankrupt an order of discharge subject to the conditions mentioned in the section, is that the bankrupt has on any previous occasion made a statutory composition or arrangement with his creditors, shall be read and construed with the word "statutory" omitted therefrom.

(2.) This section shall not apply to Ireland.

17. *Saving as to Bankruptcy Acts.* Nothing contained in this Act shall be construed to repeal or shall affect any provision of the law for the time being in force in relation to bankruptcy, or shall give validity to any deed or instrument which by law is an act of bankruptcy, or void or voidable.

18. *Rules.* (1.) Rules for carrying this Act into effect may be made, revoked, and altered from time to time by the like persons and in the like manner in which rules may be made under and for the purposes of the Supreme Court of Judicature Act, 1875 to 1884, as regards England, and the Supreme Court of Judicature Act (Ireland), 1877 [40 & 41 Vict. c. 57], as regards Ireland.

(2.) Such rules as may be required for the purpose of this Act may be made at any time after the passing of this Act.

19. *Interpretation of terms.* In this Act, unless the context otherwise requires,—

"Court or a judge" means the High Court of Justice and any judge thereof;

"Creditors generally" includes all creditors who may assent or take the benefit of a Deed of Arrangement;

"Person" includes a body of persons corporate or unincorporate;

"Prescribed" means prescribed by rules to be made under this Act;

"Property" has the same meaning as the same expression has in the Bankruptcy Act, 1883;

"Rules" includes forms.

### CAP. LX.

An Act to amend the Prison (Officers' Superannuation) Act, 1878, as to Scotland.

[16th September 1887.]

### CAP. LXI.

An Act for appointing Commissioners to inquire and report as to the Boundaries of certain Areas of Local Government in England.

[16th September 1887.]

Be it enacted, &c. :

1. *Short title.* This Act may be cited as the Local Government (Boundaries) Act, 1887.

2. *Constitution of Boundary Commission.* (1.) The following persons, that is to say,—

The Right Honourable Earl Brownlow, the Honourable Edmond George Petty-Fitzmaurice, commonly called Lord Edmond Fitzmaurice, the Right Honourable Baron Basing, the Right Honourable Sir Henry John Selwin-Ibbetson, Baronet, M.P., and the Right Honourable John Tomlinson Hibbert, of whom not less than three shall be a quorum, shall be appointed Boundary Commissioners for England and Wales, and they shall immediately after the passing of this Act proceed, by themselves or by Assistant Commissioners appointed by them, to inquire, with respect to each county in England and Wales :

(a.) As to the best mode of so adjusting the boundaries of the county and of other areas of local government as to arrange that no union, borough, sanitary district, or parish shall be situate in more than one county, and

(b.) As to the best mode of dealing with parts of the county which are wholly or nearly detached from the county, and

(c.) As to the best mode of dealing with the cases where a borough is not an urban sanitary district and is wholly or partly comprised in an urban sanitary district, and

(d.) As to any alteration of boundaries, combination of areas, or administrative arrangements incidental to or consequential on any alteration which they may recommend in the boundaries of any county, union, borough, sanitary district, or parish.

(2.) In making their recommendations the Boundary Commissioners shall have due regard to financial and administrative considerations.

(3.) The Boundary Commissioners shall with all practicable despatch report to the Local Government Board upon the several matters in this section referred to them, and their report shall be laid before Parliament.

(4.) If a vacancy occurs in the office of any of the Boundary Commissioners by reason of death, resignation, incapacity, or otherwise, it shall be lawful for Her Majesty the Queen, under Her Royal Sign Manual, to appoint some other person to fill the vacancy, and so from time to time as often as occasion requires.

3. *Duties and powers of Commissioners.* (1.) The Boundary Commissioners, by themselves or by their Assistant Commissioners, shall, by local inquiry and such other means as the Commissioners think necessary, possess themselves of such information as will enable them to report under this Act.

(2.) The Boundary Commissioners may, with the consent of the Local Government Board, associate any inspector of the Local Government Board with an Assistant Boundary Commissioner.

(3.) On holding any inquiry in pursuance of this Act, any Boundary Commissioner, assistant commissioner, or inspector of the Local Government

Board shall have the same powers as an inspector of the Local Government Board has on holding a local inquiry under the Public Health Act, 1875.

4. *Staff and remuneration.* (1.) The Boundary Commissioners may from time to time, with the assent of the Treasury as to number, appoint a secretary and such persons as they think fit to be Assistant Commissioners, and appoint or employ such number of other officers and persons as they may think necessary for the purpose of the execution of their duties under this Act, and may remove any person so appointed or employed.

(2.) There shall be paid to the secretary, and to any assistant commissioner, officer, or person appointed or employed under this Act such salaries or other remuneration as the Treasury may assign, and that remuneration and all expenses of the Boundary Commissioners incurred with the sanction of the Treasury in the execution of this Act shall be paid out of moneys provided by Parliament.

5. *Duration of powers.* The powers of the Boundary Commissioners shall, unless continued by Parliament, cease on the last day of December, one thousand eight hundred and eighty-eight.

6. *Exclusion of metropolis.* This Act shall not apply to the metropolis, that is to say, to the parishes and places in which the Metropolitan Board of Works have power to levy the metropolitan consolidated rate.

7. *Definitions.* In this Act—

The expression "county" does not include a county of a city or a county of a town, but includes any riding, division, or parts of a county having a separate court of quarter sessions.

The expression "the Treasury" means the Commissioners of Her Majesty's Treasury.

### CAP. LXII.

An Act to amend in certain minor particulars some of the Enactments relating to Merchant Shipping and Seamen. [16th September 1887.]

Be it enacted, &c. :

1. *Short title and construction.* (1.) This Act may be cited as the Merchant Shipping (Miscellaneous) Act, 1887.

(2.) This Act shall be construed as one with the Merchant Shipping Act, 1854, and the Acts amending the same, and this Act and those Acts may be cited collectively as the Merchant Shipping Act, 1854 to 1887.

2. *Fees on examinations of engineers to be paid to Mercantile Marine Fund.* Whereas by section seven of the Merchant Shipping Act Amendment Act, 1862 [25 & 26 Vict. c. 63, s. 7] it is provided that the fees payable by applicants for examination for certificates of competency as engineers shall be carried to the account of the Mercantile Marine Fund, and at the time of the passing of that Act the salaries of the surveyors by whom the examinations are conducted were paid out of the Mercantile Marine Fund :

And whereas by section thirty-nine of the Merchant Shipping Act, 1876 [39 & 40 Vict. c. 80, s. 39], it was provided that the salaries of the said surveyors should be paid out of moneys provided by Parliament, and by section four of the Merchant Shipping (Fees and Expenses) Act, 1880 [43 & 44 Vict. c. 22, s. 4], it was provided that the fees paid by the said applicants for examination for certificates of competency as engineers should be paid into the Exchequer :

And whereas under section three of the Merchant Shipping (Expenses) Act, 1882 [45 & 46 Vict. c. 55, s. 3], the salaries of the said surveyors are charged on and paid out of the Mercantile Marine Fund, and it is expedient that the fees paid by the said applicants for examination should be carried to the account of the Mercantile Marine Fund; be it therefore enacted as follows :

The fees payable in pursuance of section seven of the Merchant Shipping Act Amendment Act, 1862, shall cease to be payable into the Exchequer, and all such of those fees as have been levied since the first day of April one thousand eight hundred and eighty-three, or are hereafter levied, shall be carried to the account of the Mercantile Marine Fund.



## 50 &amp; 51 VICT. CAPS. LX.—LXVI.

Solicitors' Journal,  
Oct. 22, 1887.

3. *Explanation of 17 & 18 Vict. c. 104, s. 31, as to powers of colonial governors.* Whereas doubts have been expressed as to the extent of the powers conferred by section thirty-one of the Merchant Shipping Act, 1854, on certain colonial authorities, and it is expedient to remove those doubts: Be it therefore enacted that the powers conferred by that section on the governor, lieutenant-governor, or other person administering the government in a British possession shall include and be deemed to have always included the following powers, namely:—

- (a) Power to approve a port or place within the possession for the registry of ships; and
- (b) Power to appoint surveyors within the limits of the possession to survey and measure of the ships for registry or re-registry as British ships in accordance with the provisions of the Merchant Shipping Acts, 1854 to 1887.

4. *Public Record Acts to apply to records in custody of Registrar-General of Seamen.* All documents which, under section two hundred and seventy-seven of the Merchant Shipping Act, 1854, or any enactment amending the same, are required to be recorded and preserved by the Registrar-General of Seamen shall be deemed to be public records and documents within the meaning of the Public Record Office Acts, 1838 and 1877, and those Acts shall, where applicable, apply to such documents in all respects as if such documents had been specifically referred to in the said Acts.

5. *Explanation of meaning of lighthouses.* In the Merchant Shipping Act, 1854, and the Acts amending the same, the expression "lighthouses" shall, in addition to the meaning assigned to it by the Merchant Shipping Act, 1854, include sirens and all other descriptions of fog signals, and the expression "new lighthouse" shall include the addition to any existing lighthouse of any improved light, or any siren, or any description of fog signal.

6. *Repeal.* The enactments mentioned in the Schedule to this Act are hereby repealed to the extent appearing in the third column of that Schedule:

Provided that the repeal of any enactment by this Act shall not affect the validity of anything done, or any right acquired or liability incurred, before the commencement of this Act under the repealed enactment, and that proceedings for enforcing any such right or liability may be commenced, continued, and completed as if this Act had not passed.

SCHEDULE.  
REPEAL.

Session and Chapter.	Title.	Extent of Repeal.
14 & 15 Vict. c. 102.	The Seamen's Fund Winding-up Act, 1851.	Section forty-eight.
43 & 44 Vict. c. 22.	The Merchant Shipping (Fees and Expenses) Act, 1890.	Section four.

## CAP. LXIII.

An Act to continue various expiring Laws.  
[16th September 1887.]

## CAP. LXIV.

An Act to facilitate the Establishment of Technical Schools in Scotland.  
[16th September 1887.]

## CAP. LXV.

An Act to facilitate the construction of Tramways by Her Majesty's Principal Secretary of State for the War Department, and for other purposes connected therewith.  
[16th September 1887.]

## CAP. LXVI.

An Act to amend the Law relating to the discharge of Bankrupts and the closure of Bankruptcy proceedings.  
[16th September 1887.]

Be it enacted, &c.:

1. *Short title and construction.* (1.) This Act may be cited as the Bankruptcy (Discharge and Closure) Act, 1887.

(2.) Expressions used in this Act shall, unless a contrary intention appears, have the same meaning as in the Bankruptcy Act, 1883.

2. *Proceedings for discharge of bankrupt under repealed Bankruptcy Acts.* (1.) A debtor who has been adjudged bankrupt, or whose affairs have been liquidated by arrangement under the Bankruptcy Act, 1869 [32 & 33 Vict. c. 71], or any previous Bankruptcy Act, and who has not obtained his discharge, may apply to the court for an order of discharge, and thereupon the court shall appoint a day for hearing the application in open court.

(2.) Notice of the appointment by the court of the day for hearing the application for discharge shall twenty-one days at least before the day so appointed be sent by the debtor to each creditor who has proved in the bankruptcy or liquidation, or to those of them whose addresses appear in the debtor's statement of affairs or are known to the debtor, and shall also, fourteen days at least before the day so appointed, be published in the *London Gazette*.

(3.) On the hearing of the application the court may hear any creditor, and may put such questions to the debtor and receive such evidence as the court thinks fit, and, on being satisfied that the notice required by this section has been duly sent and published, may either grant or refuse the order of discharge or suspend the operation of the order for a specified time, or grant the order of discharge subject to any conditions with respect to any earnings or income which may afterwards become due to the debtor, or with respect to his after-acquired property: Provided that the court shall refuse the discharge in all cases where the court is satisfied by evidence that the debtor has committed any misdemeanor under Part Two of the Debtors Act, 1869 [32 & 33 Vict. c. 62], or any amendment thereof.

(4.) The court may, as one of the conditions referred to in this section, require the debtor to consent to judgment being entered against him in the court having jurisdiction in the bankruptcy or liquidation by the official receiver of the court, or the trustee or assignee in the bankruptcy or liquidation, for any balance of the debts provable under the bankruptcy or liquidation which is not satisfied at the date of the discharge, or for such sum as the court shall think fit, but in such case execution court shall think fit, but in such case execution shall not be issued on the judgment without the leave of the court, which leave may be given on proof that the debtor has since his discharge acquired property or income available for payment of his debts.

(5.) A discharge granted under this section shall have the same effect as if it had been granted in pursuance of the Act under which the debtor was adjudged bankrupt or liquidated his affairs by arrangement.

3. *Proceedings for closing bankruptcies under Bankruptcy Act, 1869.* (1.) Every bankruptcy under the Bankruptcy Act, 1869, which is pending on the thirty-first day of December one thousand eight hundred and eighty-seven shall, by virtue of this Act, be closed on that day unless the court otherwise orders.

(2.) Subject to the provisions of this section, the court may, on the application of the trustee under any such bankruptcy, and on being satisfied that there are special circumstances rendering it expedient to postpone the close of the bankruptcy, make an order postponing the close of the bankruptcy until such date as the court may from time to time determine.

(3.) The order may be made either before or after the said day, but an application under this section shall not be entertained unless made before the said day.

(4.) The trustee shall, before making an application under this section, give notice to the Board of Trade of his intention to do so, and shall supply the

Board with such information as the Board may require as to the position of the bankruptcy, and the court before making an order under this section shall consider any representation which may be made by or on behalf of the Board of Trade with respect thereto.

4. *In bankruptcies, insolvencies, or arrangements under Acts prior to 1869 in the London district, official assignees may be appointed to supercede creditors assignees.* (1.) In each of the following cases, that is to say:

(a) Any insolvency under any Act for the relief of insolvent debtors;

(b) Any commission, fiat, or adjudication in bankruptcy within the jurisdiction of the old London Bankruptcy Court, under any Act prior to the Bankruptcy Act, 1869;

(c) Any administration by way of arrangement pursuant to an Act of the session held in the seventh and eighth years of the reign of Her Majesty, chapter seventy, entitled "An Act for facilitating arrangements between Debtors and Creditors," or pursuant to the provisions of the Bankrupt Law Consolidation Act, 1849, or the hundred and ninety-second section of the Bankruptcy Act, 1861, within the jurisdiction of the old London Bankruptcy Court;

in which the estate is now vested in a creditor assignee, or trustee, or inspector, either alone or jointly with the official assignee, the court may at any time after the passing of this Act, upon the application of any creditor, and upon being satisfied that there is good ground for removing such other case in which it shall appear to the court just or expedient, appoint the official assignee, or any person appointed under the one hundred and fifty-third section of the Bankruptcy Act, 1883 [46 & 47 Vict. c. 52], to perform the remaining duties of the office of official assignee, to be sole assignee, or trustee, or inspector of the estate in the place of such creditors assignee, trustee, or inspector, as the case may be.

(2.) Such appointment shall operate as a removal of the creditors assignee, trustee, or inspector of the estate, and shall vest the whole of the property of the bankrupt or debtor in the official assignee or person appointed by the Board of Trade as aforesaid; and all estate, rights, powers, and duties of such former creditors assignee, trustee, or inspector shall thereupon vest in and devolve upon the official assignee or person appointed by the Board of Trade as aforesaid alone.

5. *Provision to release trustee.* An application by a trustee in a bankruptcy under the Bankruptcy Act, 1869, to the comptroller in bankruptcy for a report on his accounts with a view to his release shall not be entertained unless made within twelve months after the close of the bankruptcy.

6. *Effect of release.* (1.) Where on the close of a bankruptcy or liquidation, or on the release of a trustee, a registrar or official receiver or official assignee is or is acting as trustee, and where under section one hundred and fifty-nine, section one hundred and sixty, or section one hundred and sixty-one of the Bankruptcy Act, 1883, an official receiver is or is acting as trustee, no liability shall attach to him personally in respect of any act done or default made or liability incurred by any prior trustee.

(2.) Section eighty-two of the Bankruptcy Act, 1883 (which section relates to the release of a trustee), shall, with the exception of sub-section four thereof, apply to an official receiver or official assignee when he is or is acting as trustee, and assignee when an official receiver or official assignee has been released under that section he shall continue to act as trustee for any subsequent purposes of the administration of the debtor's estate, but no liability shall attach to him personally by reason of his so continuing in respect of any act done, default made, or liability incurred before his release.

7. *Disposal of old books and papers.* All books and papers in the custody of an official receiver or official assignee, or of the Acting Comptroller in Bankruptcy, and relating to any bankruptcy under the Bankruptcy Act, 1869, may, on the expiration of one year after the close of the bankruptcy, be disposed of in accordance with rules made under

section one of the Public Records Office Act, 1877 [40 & 41 Vict. c. 55], and that section shall apply accordingly.

8. *Power to make rules and prescribe fees.* (1.) General rules for carrying into effect the objects of this Act may from time to time be made, revoked, or altered by the same authority and subject to the same provisions as general rules for carrying into effect the objects of the Bankruptcy Act, 1883.

(2.) There shall be paid in respect of proceedings under this Act such fees as the Lord Chancellor may, with the sanction of the Treasury, from time to time prescribe, and the Treasury may direct by whom and in what manner the same are to be collected and accounted for, and to what account they are to be paid.

#### CAP. LXVII.

An Act to amend the Superannuation Acts, 1834 and 1859; and for other purposes.

[16th September 1887.]

#### CAP. LXVIII.

An Act to explain section twenty-six of the Pluralities Act, 1838. [16th September 1887.]

#### CAP. LXIX.

An Act to amend the Conveyancing (Scotland) Act, 1874, and the Conveyancing (Scotland) Act (1874) Amendment Act, 1879.

[16th September 1887.]

#### CAP. LXX.

An Act to amend the Appellate Jurisdiction Act, 1876.

[16th September 1887.]

Whereas it is expedient to amend the Appellate Jurisdiction Act, 1876 [39 & 40 Vict. c. 59]:

Be it therefore enacted, &c.:

1. *Lord of Appeal may take his seat during prerogation.* Whereas it is expedient that any Lord of Appeal, as defined by the Appellate Jurisdiction Act, 1876, notwithstanding that he may not be a Lord of Appeal in Ordinary within the meaning of that Act, should be empowered to take his seat and the oaths at the sittings of the House of Lords for hearing and determining appeals during the prerogation of Parliament: Be it enacted that, notwithstanding anything in the eighth section of the said Act contained, every Lord of Appeal shall be empowered to take his seat and the oaths at any such sitting of the House of Lords during prerogation.

2. *Retired Lord of Appeal in Ordinary may sit in House of Lords.* The sixth section of the Appellate Jurisdiction Act, 1876, shall be construed and take effect, as well in respect of any Lord of Appeal in Ordinary heretofore appointed under that Act, as of any such Lord hereafter appointed, so as to entitle any person so appointed to sit and vote as a member of the House of Lords during his life as fully as if the words "during the time that he continues in his office as a Lord of Appeal in Ordinary, and no longer" had been omitted from the said section.

3. *Amendment of 3 & 4 Will. 4, c. 41.* The Judicial Committee of the Privy Council as formed under the provisions of the first section of the Act of the third and fourth William the Fourth, chapter forty-one, intituled "An Act for the better administration of Justice in His Majesty's Privy Council," shall include such members of Her Majesty's Privy Council as are for the time being holding or have held any of the offices in the Appellate Jurisdiction Act, 1876, and this Act, described as high judicial officers.

4. *Remuneration in Judicial Committee.* Any person who shall in virtue of the thirtieth section of the Act of the third and fourth William the Fourth, chapter forty-one, attend the sittings of the Judicial Committee of the Privy Council, shall be deemed to be included as a member of the said Committee for all purposes, and shall, if there be only one such person, be entitled to receive the whole amount of the sums by the said section provided, that is to say, eight hundred pounds for

every year during which he shall so attend; but if there shall at any time be two such persons, they shall severally be entitled to the sums provided in the said section.

5. *Amendment of 39 & 40 Vict. c. 59, s. 25.* The expression "high judicial office" as defined in the twenty-fifth section of the Appellate Jurisdiction Act, 1876, shall be deemed to include the office of a Lord of Appeal in Ordinary and the office of a member of the Judicial Committee of the Privy Council.

6. *Short title.* This Act may be cited as the Appellate Jurisdiction Act, 1887.

#### CAP. LXXI.

An Act to consolidate the Law relating to Coroners.

[16th September 1887.]

Be it enacted, &c.:

##### Preliminary.

1. *Short title.* This Act may be cited as the Coroners Act, 1887.

2. *Extent of Act.* This Act shall not apply to Scotland or Ireland.

#### PART I.

##### LAW OF CORONERS.

##### Inquest.

3. *Summoning and swearing of jury by coroner.* (1.) Where a coroner is informed that the dead body of a person is lying within his jurisdiction, and there is reasonable cause to suspect that such person has died either a violent or an unnatural death, or has died a sudden death of which the cause is unknown, or that such person has died in prison, or in such place or under such circumstances as to require an inquest in pursuance of any Act, the coroner, whether the cause of death arose within his jurisdiction or not, shall, as soon as practicable, issue his warrant for summoning not less than twelve nor more than twenty-three good and lawful men to appear before him at a specified time and place, there to inquire as jurors touching the death of such person as aforesaid.

(2.) Where an inquest is held on the body of a prisoner who dies within a prison, an officer of the prison or a prisoner therein or a person engaged in any sort of trade or dealing with the prison shall not be a juror on such inquest.

(3.) When not less than twelve jurors are assembled they shall be sworn by or before the coroner diligently to inquire touching the death of the person on whose body the inquest is about to be held, and a true verdict to give according to the evidence.

##### 4. Proceedings at inquest—evidence and inquisition.

(1.) The coroner and jury shall, at the first sitting of the inquest, view the body, and the coroner shall examine on oath touching the death all persons who tender their evidence respecting the facts and all persons having knowledge of the facts whom he thinks it expedient to examine.

(2.) It shall be the duty of the coroner in a case of murder or manslaughter to put into writing the statement on oath of those who know the facts and circumstances of the case, or so much of such statement as is material, and any such deposition shall be signed by the witness and also by the coroner.

(3.) After viewing the body and hearing the evidence the jury shall give their verdict, and certify it by an inquisition in writing, setting forth, so far as such particulars have been proved to them, who the deceased was, and how, when, and where the deceased came by his death, and if he came by his death by murder or manslaughter, the persons, if any, whom the jury find to have been guilty of such murder or manslaughter, or of being accessories before the fact to such murder.

(4.) They shall also inquire of and find the particulars for the time being required by the Registration Acts to be registered concerning the death.

(5.) In case twelve at least of the jury do not agree on a verdict, the coroner may adjourn the inquest to the next sessions of oyer and terminer or gaol delivery held for the county or place in which the inquest is held, and if after the jury have heard the charge of the judge or commissioner holding

such sessions, twelve of them fail to agree on a verdict, the jury may be discharged by such judge or commissioner without giving a verdict.

5. *Proceedings upon inquisition charging person with murder or manslaughter.* (1.) Where a coroner's inquisition charges a person with the offence of murder or of manslaughter, or of being accessory before the fact to a murder (which latter offence is in this Act included in the expression "murder,") the coroner shall issue his warrant for arresting or detaining such person (if such warrant has not previously been issued) and shall bind by recognizance all such persons examined before him as know or declare anything material touching the said offence to appear at the next court of oyer and terminer or gaol delivery at which the trial is to be, then and there to prosecute or give evidence against the person so charged.

(2.) Where the offence is manslaughter, the coroner may, if he thinks fit, accept bail by recognizance with sufficient sureties for the appearance of the person charged at the next court of oyer and terminer or gaol delivery at which the trial is to be, and thereupon such person if in the custody of an officer of the coroner's court or under a warrant of commitment issued by such coroner shall be discharged therefrom.

(3.) The coroner shall deliver the inquisition, deposition, and recognizances, with a certificate under his hand that the same have been taken before him, to the proper officer of the court in which the trial is to be, before or at the opening of the court.

6. *Ordering of coroner to hold inquest.* (1.) Where Her Majesty's High Court of Justice, upon application made by or under the authority of the Attorney General, is satisfied either—

(a.) that a coroner refuses or neglects to hold an inquest which ought to be held; or

(b.) where an inquest has been held by a coroner that by reason of fraud, rejection of evidence, irregularity of proceedings, insufficiency of inquiry, or otherwise, it is necessary or desirable, in the interests of justice, that another inquest should be held,

the court may order an inquest to be held touching the said death, and may, if the court think it just, order the said coroner to pay such costs of and incidental to the application as to the court may seem just, and where an inquest has been already held may quash the inquisition on that inquest.

(2.) The court may order that such inquest shall be held either by the said coroner, or if the said coroner is a coroner for a county, by any other coroner for the county, or if he is a coroner of a borough or for a franchise then by a coroner for the county in which such borough or franchise is situate, or for a county to which it adjoins, and the coroner ordered to hold the inquest shall for that purpose have the same powers and jurisdiction as, and be deemed to be, the said coroner.

(3.) Upon any such inquest, if the case be one of death, it shall not be necessary, unless the court otherwise order, to view the body, but save as aforesaid the inquest shall be held in like manner in all respects as any other inquest under this Act.

(4.) Any power vested by this section in Her Majesty's High Court of Justice may, subject to any rules of court made in pursuance of the Supreme Court of Judicature Act, 1875 [38 & 39 Vict. c. 77], and the Acts amending the same, be exercised by any judge of that court.

7. *Local jurisdiction of coroner.* (1.) The coroner only within whose jurisdiction the body of a person upon whose death an inquest ought to be holden is lying shall hold the inquest, and where a body is found dead in the sea, or any creek, river, or navigable canal within the flowing of the sea where there is no deputy coroner for the jurisdiction of the Admiralty of England the inquest shall be held only by the coroner having jurisdiction in the place where the body is first brought to land.

(2.) In a borough with a separate court of quarter sessions, no coroner, save as is otherwise provided by this Act, shall hold an inquest belonging to the office of coroner, except the coroner of the borough, or a coroner or deputy coroner for the jurisdiction of the Admiralty of England.

(3.) In a borough which has not a separate court of quarter sessions no coroner, save as is otherwise provided by this Act, shall hold an inquest belong-

ing to  
county,  
jurisdic

8. Re  
Lord O  
coroner  
is the

(2.)  
corrupt  
misbeh  
guilty o  
other p  
is annex

court b  
from his  
coroner,  
shall is

if he is  
borough  
lord or  
appoint

to appoi  
other vi

9. Fi  
deposition  
to comp  
respect  
taking a  
stances,  
court to  
and rec

may, up  
summar  
as to the

10. Co  
in some  
or his p  
in the p  
offence  
inquest  
such per  
bill of in

(2.) In  
section,  
is the d  
(3) M  
is tried  
court to  
fine not  
seem fit.

Appoint

11. E  
for a co  
Parliam  
that cor  
into dist  
district  
vote at a

(2) A  
tion of  
heretof  
shall be  
time to t

(3) Th  
more th  
writ, hol  
thereof  
the perso

12. Qu  
for a co  
sufficient  
answer t

13. A  
A coron  
appoint  
approved  
and may

(2) A  
during th  
absence  
except o  
under th

(3) A  
shall be  
and kept

(4) Fo



ing to the office of coroner except a coroner for the county, or a coroner or a deputy coroner for the jurisdiction of the Admiralty of England.

#### Liabilities of Coroner.

8. *Removal and punishment of coroner.* (1) The Lord Chancellor may, if he thinks fit, remove any coroner from his office for inability or misbehaviour in the discharge of his duty.

(2) A coroner who is guilty of extortion or of corruption or of wilful neglect of his duty or of misbehaviour in the discharge of his duty shall be guilty of a misdemeanor, and in addition to any other punishment may, unless his office of coroner is annexed to any other office, be adjudged by the court before whom he is so convicted to be removed from his office, and to be disqualified for acting as coroner, and if he is a coroner for a county, a writ shall issue for an election of another coroner, and if he is a coroner of a borough, the council of the borough, and if he is a coroner for a franchise the lord or other person or persons entitled to the appointment of the coroner, shall forthwith proceed to appoint another coroner as in the case of any other vacancy.

9. *Fine on coroner for neglect as in inquisition, depositions, and recognisances, &c.* (1) If a coroner fails to comply with the provisions of this Act with respect to the delivery of the inquisition, or to the taking and delivery of the depositions and recognisances, in the case of murder or manslaughter, the court to whose officer the inquisition, depositions, and recognisances ought to have been delivered may, upon proof of the said non-compliance, in a summary manner impose such fine upon the coroner as to the court seems meet.

10. *Coroner not to act as solicitor and as coroner in same case.* (1) A coroner shall not by himself or his partner, directly or indirectly, act as solicitor, in the prosecution or defence of a person for an offence for which such person is charged by an inquisition taken before him as coroner, whether such person is tried on that inquisition or on any bill of indictment found by a grand jury.

(2) If a coroner acts in contravention of this section, he shall be deemed guilty of misbehaviour in the discharge of his duty.

(3) Moreover, the court before whom such person is tried may impose on a coroner appearing to the court to act in contravention of this section such fine not exceeding fifty pounds as to the court seem fit.

#### Appointment and Payment of County Coroner and Deputy.

11. *Election of county coroner.* (1) A coroner for a county shall continue to be elected, until Parliament otherwise directs, by the freeholders of that county, and in the case of a county divided into districts, by the persons residing within that district who are at the time of election qualified to vote at an election for coroners for the county.

(2) A writ de coronatore eligendo for the election of a coroner for a county shall be issued as heretofore directed to the sheriff of the county, and shall be in such form as the Lord Chancellor from time to time determines.

(3) The sheriff shall, not less than seven nor more than fourteen days after the receipt of the writ, hold an election of a coroner in pursuance thereof and shall make a return to the writ, naming the person elected coroner.

12. *Qualification of county coroner.* Every coroner for a county shall be a fit person having land in fee sufficient in the same county whereof he may answer to all manner of people.

13. *Appointment of deputy coroner in county.* (1) A coroner for a county shall from time to time appoint by writing under his hand a fit person approved by the Lord Chancellor to be his deputy, and may at any time revoke such appointment.

(2) A deputy shall not act for a coroner except during the illness of such coroner or during his absence from any lawful or reasonable cause, or except on any inquest which he is disqualified, under this Act, for holding.

(3) A duplicate of every appointment of a deputy shall be sent to the clerk of the peace of the county and kept by him amongst the records thereof.

(4) For the purpose of an inquest or other act

which a deputy coroner is authorised to hold or do the deputy coroner shall be deemed to be the coroner whose deputy he is, and have the same jurisdiction and powers, and be subject to the same obligations, liabilities, and disqualifications as that coroner, and he shall generally be subject to the provisions of this Act and to the law relating to coroners, in like manner as that coroner.

14. *Proceedings for election of county coroner.* (1) The sheriff, in accordance with the rules contained in the First Schedule to this Act, shall hold a court for the election of a coroner for a county, and in case of a poll being demanded, adjourn the court and take a poll, and for that purpose may appoint such officers and erect such booths as are authorised by the said rules, and the said rules shall be duly observed.

(2) Any such poll shall be taken at the place at which the court for the election is held, and at such other places as are for the time being appointed by the local authority of the county.

(3) All reasonable costs, charges, and expenses which the sheriff or his deputy expends or is liable to in and about the providing of poll-booths, booths, and clerks (such clerks to be paid not more than one guinea each) for the purpose of taking the poll at any such election shall be paid by the several candidates at such election in equal proportions.

(4) Any person who wilfully and falsely takes any oath or affirmation appointed by the rules in the schedule to this Act to be taken shall be guilty of perjury.

15. *Payment of coroners when they act for sheriffs.* Where any writ, process, or extent whatsoever is directed to and executed by a coroner for a county in the place of a sheriff, the coroner shall, in addition to any salary to which he is entitled, receive the same poundage fees or other compensation or reward for executing the writ, process, or extent, and have the same right to retain, and all other remedies for the recovery of the fees, compensation, or reward as the sheriff would have been entitled to and had in whose place such coroner was substituted; and if the fees or compensation payable to the sheriffs are at any time after the passing of this Act increased by Act of Parliament or otherwise, the coroner shall be entitled to such increased fees or compensation.

16. *Fees on recognisances.* Where a coroner admits a person charged with manslaughter to bail, he shall be entitled to the like fee as a clerk to a justice of the peace is entitled to on the admission to bail of a person so charged.

17. *Prohibition on coroner taking fee.* Save as is authorised by this or any other Act, a coroner shall not take any fee or remuneration in respect of anything done by him in the execution of his office.

## PART II.

### SUPPLEMENTAL.

#### Procedure.

18. *Enactments with respect to procedure at inquests.* The following enactments shall be made with respect to procedure at coroner's inquests:

(1) The inquisition shall be under the hands and in the case of murder or manslaughter also under the seals, of the jurors who concur in the verdict, and of the coroner:

(2) An inquisition need not, except in the case of murder or manslaughter, be on parchment, and may be written or printed, or partly written and partly printed, and may be in the form contained in the Second Schedule to this Act, or to the like effect or in such other form as the Lord Chancellor from time to time prescribes, or to the like effect, and the statements therein may be made in concise and ordinary language.

(3) The coroner after the termination of an inquest on any death shall send to the registrar of deaths whose duty it is by law to register the death such certificate of the finding of the jury and within such time as is required by the Registration Acts.

(4) The coroner shall cause recognisances taken before him from a person charged by an inquisition with manslaughter to be taken, so far as circumstances admit, in one of the forms contained in the Second Schedule to

this Act or in such other forms as the Lord Chancellor from time to time prescribes, and shall give notice of the recognisances to every person bound thereby.

(5) A person charged by an inquisition with murder or manslaughter shall be entitled to have from the person having for the time being the custody of the inquisition or of the depositions of the witnesses at the inquest, copies thereof on payment of a reasonable sum for the same, not exceeding the rate of three halfpence for every folio of ninety words.

(6) A coroner, upon holding an inquest upon any body, may, if he thinks fit after view of the body, by order under his hand, authorize the body to be buried before verdict and before registry of the death, and shall deliver such order to the relative or other person to whom the same is required by the Registration Acts to be delivered; but, except upon holding an inquest, no order, warrant, or other document for the burial of a body shall be given by the coroner.

19. *Attendance of witnesses and jurors.* (1) Where a person duly summoned as a juror at an inquest does not, after being openly called three times, appear to such summons, or appearing, refuses without reasonable excuse to serve as a juror, the coroner may impose on such person a fine not exceeding five pounds.

(2) Where a person duly summoned to give evidence at an inquest does not, after being openly called three times, appear to such summons, or appearing, refuses without lawful excuse to answer a question put to him, the coroner may impose on such person a fine not exceeding forty shillings.

(3) Any power by this Act vested in a coroner of imposing a fine on a juror or witness, shall be deemed to be in addition to and not in derogation of any power the coroner may possess independently of this Act, for compelling any person to appear and give evidence before him on any inquest or other proceeding, or for punishing any person for contempt of court in not so appearing and giving evidence with this qualification, that a person shall not be fined by the coroner under this Act, and also be punished under the power of a coroner independently of this Act.

(4) Where a coroner imposes a fine upon a person, he shall sign a certificate describing such person and stating the amount of the fine imposed and the cause of the fine, and shall send such certificate to the clerk of the peace for the county or place in which such person resides on or before the first day of the quarter sessions then next ensuing, and shall, twenty-four hours at the least before that day, cause a copy of such certificate to be served upon the person fined by leaving it at his residence, and the clerk of the peace shall copy every fine so certified on the roll on which fines and forfeitures imposed at the said quarter sessions are copied, and the same shall be extracted, levied, and applied in like manner and subject to the like powers, provisions, and penalties in all respects as if such fine had been part of the fines imposed at the said quarter sessions.

(5) Where a recognisance is forfeited at an inquest held before a coroner, the coroner shall proceed in like manner under this section as if he had imposed a fine under this section upon the person forfeiting that recognisance, and the provisions of this section shall apply accordingly.

20. *Inquisition to be amended and not quashed for defects.* (1) If in the opinion of the court having cognisance of the case an inquisition finds sufficiently the matters required to be found thereby, and where it charges a person with murder or manslaughter sufficiently designates that person and the offence charged, the inquisition shall not be quashed for any defects, and the court may order the proper officer of the court to amend any defect in the inquisition, and any variance occurring between the inquisition and the evidence offered in proof thereof, if the court are of opinion that such defect or variance is not material to the merits of the case, and that the defendant or person traversing the inquisition cannot be prejudiced by the amendment in his defence or answer on the merits, and the court may order the amendment on such terms as to postponing the trial to

be had before the same or another jury as to the court may seem reasonable, and after the amendment the trial shall proceed in like manner, and the inquisition, verdict, and judgment, shall be of the same effect, and the record shall be drawn up in the same form, in all respects, as if the inquisition had originally been in the form in which it stands when so amended.

(2) For the purpose of any such amendment, the court may respite any of the recognizances taken before the coroner, and the persons bound by such recognizances shall be bound without entering into any fresh recognizances to appear and prosecute, give evidence, or be tried at the time and place to which the trial is postponed, as if they were originally bound by their recognizances to appear and prosecute, give evidence, or be tried at that time and place.

#### Medical Witnesses and Post-mortem Examinations.

21. *Power of coroner to summon medical witnesses and to direct performance of post-mortem examination.*

(1.) Where it appears to the coroner that the deceased was attended at his death or during his last illness by any legally qualified medical practitioner, the coroner may summon such practitioner as a witness; but if it appears to the coroner that the deceased person was not attended at his death or during his last illness by any legally qualified medical practitioner, the coroner may summon any legally qualified medical practitioner who is at the time in actual practice in or near the place where the death happened, and any such medical witness as is summoned in pursuance of this section may be asked to give evidence as to how, in his opinion, the deceased came to his death.

(2.) The coroner may, either in his summons for the attendance of such medical witness or at any time between the issuing of that summons and the end of the inquest, direct such medical witness to make a post-mortem examination of the body of the deceased, with or without an analysis of the contents of the stomach or intestines.

Provided that where a person states upon oath before the coroner that in his belief the death of the deceased was caused partly or entirely by the improper or negligent treatment of a medical practitioner or other person, such medical practitioner or other person shall not be allowed to perform or assist at the post-mortem examination of the deceased.

(3.) If a majority of the jury sitting at an inquest are of opinion that the cause of death has not been satisfactorily explained by the evidence of the medical practitioner or other witnesses brought before them, they may require the coroner in writing to summon as a witness some other legally qualified medical practitioner named by them, and further to direct a post-mortem examination of the deceased, with or without an analysis of the contents of the stomach or intestines, to be made by such last-mentioned practitioner, and that whether such examination has been previously made or not, and the coroner shall comply with such requisition, and in default shall be guilty of a misdemeanour.

22. *Fees to medical witnesses.* A legally qualified medical practitioner who has attended at a coroner's inquest in obedience to a summons of the coroner under this Act shall be entitled to receive such remuneration as follows; that is to say,

- (a.) For attending to give evidence at any inquest whereat no post-mortem examination has been made by such practitioner, one guinea; and
- (b.) For making a post-mortem examination of the body of the deceased, with or without an analysis of the contents of the stomach or intestines, and for attending to give evidence thereon, two guineas:

Provided that—

- (1.) Any fee or remuneration shall not be paid to a medical practitioner for the performance of a post-mortem examination instituted without the previous direction of the coroner;
- (2.) Where an inquest is held on the body of a person who has died in a county or other local authority, or in a public hospital, infirmary, or other medical institution, or in a building or place belonging thereto, or used for the reception of the patients

thereof, whether the same be supported by endowments or by voluntary subscriptions, the medical officer, whose duty it may have been to attend the deceased person as a medical officer of such institution as aforesaid, shall not be entitled to such fee or remuneration.

23. *Penalty on medical practitioner for neglecting to attend.* Where a medical practitioner fails to obey a summons of a coroner issued in pursuance of this Act, he shall, unless he shows a good and sufficient cause for not having obeyed the same, be liable on summary conviction on the prosecution of the coroner or of any two of the jury, to a fine not exceeding five pounds.

24. *Removal of body for post-mortem examination.* Where a place has been provided by a sanitary authority or nuisance authority for the reception of dead bodies during the time required to conduct a post-mortem examination, the coroner may order the removal of a dead body to and from such place for carrying out such examination, and the cost of such removal shall be deemed to be part of the expenses incurred in and about the holding of an inquest.

#### Expenses and Returns of Inquests.

25. *Schedule of fees and disbursements payable on holding inquest.* The local authority for a county or borough from time to time may make, and when made may alter and vary a schedule of fees, allowances, and disbursements which on the holding of an inquest may lawfully be paid and made by the coroner holding such inquest (other than the fees payable to medical witnesses in pursuance of this Act), and the local authority shall cause a copy of every such schedule to be deposited with the clerk of the peace of the county or with the town clerk of the borough, and one other copy thereof to be delivered to every coroner concerned.

26. *Payment of expenses by coroner.* A coroner holding an inquest shall immediately after the termination of the proceedings pay the fees of every medical witness not exceeding the fees fixed by this Act, and all expenses reasonably incurred in and about the holding thereof, not exceeding the sums set forth in the schedule of fees for the time being in force under this Act, and the sums so paid shall be repaid to the coroner in manner provided by this Act.

27. *Coroners to lay their accounts before the local authority.* (1.) Every coroner shall, within four months after holding an inquest, cause a full and true account of all sums paid by him under this Act to be laid before the local authority of the county or borough by whom the sums are to be reimbursed to him.

(2.) Every account shall be accompanied by such vouchers as under the circumstances may to the local authority seem reasonable, and the local authority may, if they think fit, examine the said coroner on oath as to the account, and on being satisfied of the correctness thereof, the local authority shall order their treasurer to pay to the coroner the sum due to him on such account, with the addition, in the case of a coroner of a borough, of six shillings and eight pence for each inquest; and the treasurer shall pay the same out of the local rate, without any abatement or deduction whatever, and shall be allowed the same on passing his accounts.

28. *Coroners to make yearly returns to Secretary of State.* Every coroner of a borough shall on or before the first day of February in every year make and transmit to a Secretary of State a return in writing, in such form and containing such particulars as the Secretary of State from time to time directs, of all cases in which an inquest has been held by him, or by some person in lieu of him, during the year ending on the thirty-first day of December immediately preceding.

#### Coroner of the Queen's Household.

29. *Appointment and jurisdiction of the coroner of the Queen's Household.* (1.) The coroner of Her Majesty the Queen's household shall continue to be appointed by the Lord Steward for the time being of the Queen's household.

(2.) The coroner of the Queen's household shall have exclusive jurisdiction in respect of inquests on persons whose bodies are lying within the limits

of any of the Queen's palaces or within the limits of any other house where Her Majesty is then demurring and abiding in her own royal person, notwithstanding the subsequent removal of Her Majesty from such palace or house.

(3.) The jurors on an inquest held by the coroner of the Queen's household shall consist of officers of the Queen's household, to be returned by such officer of the Queen's household as may be directed to summon the same by the warrant of the said coroner.

(4.) The limits of the said palace or house shall be deemed to extend to any courts, gardens, or other places within the curtilage of such palace or house but not further, and where a body is lying dead in any place beyond those limits, the coroner of the Queen's household shall not have jurisdiction to hold an inquest on such body, and the coroner of the county or borough shall have jurisdiction to hold that inquest in the same manner as if that place were not within the verge.

(5.) Where the inquisition charges a person with murder or manslaughter, the coroner of the Queen's household shall deliver the inquisition, depositions, and recognizances to the Lord Steward of the Queen's household, or in his absence, to the treasurer and comptroller of the Queen's household, and the recognizances shall be taken for the appearance of the persons bound by them before the said Lord Steward, or in his absence before the said treasurer and comptroller.

(6.) All other inquisitions, depositions, and recognizances, shall be delivered to the Lord Steward of the Queen's household to be filed among the records of his office.

(7.) The coroner of the Queen's household shall make his declaration of office before the Lord Steward of the Queen's household, and shall reside in one of the Queen's palaces, or in such other convenient place as may from time to time be allowed by the Lord Steward of the Queen's household.

(8.) Save as is in this section specially provided, the coroner of the Queen's household shall within the said limits have the same jurisdiction and powers, be subject to the same obligations, liabilities, and disqualifications, and generally to the provisions of this Act and to the law relating to coroners in like manner as any other franchise coroner.

(9.) The Lord Steward of the Queen's household or the treasurer and comptroller of the Queen's household shall not have any jurisdiction to inquire of, try, hear, or determine, any offence committed beyond the limits aforesaid, or to array, try, or give judgment upon any person charged by any inquisition found before a coroner for any place beyond the limits aforesaid, and every such offence shall be inquired of, tried, heard, and determined, and every such person shall be arraigned, tried, and have judgment according to the ordinary course of law.

#### Franchise Coroners.

30. *Saving for remuneration of franchise coroners.* (1.) Where a franchise coroner is, at the passing of this Act, paid a salary out of the local rate, the provisions of this Act with respect to the expenses of inquests, shall apply as if such coroner were a coroner for a county.

(2.) Nothing in this Act shall affect the remuneration to which a franchise coroner who is not at the passing of this Act paid a salary out of the local rate is entitled at the passing of this Act, and every such coroner shall continue to be entitled to receive the same fees, allowances, and remuneration as he would have been entitled to if this Act had not passed.

(3.) Nothing in this Act shall affect the mode in which a franchise coroner is appointed, or is, otherwise than is provided by this Act, removed.

(4.) Subject as aforesaid, the provisions of this Act shall apply to a franchise coroner, except those provisions in which a coroner for a county or a coroner of a borough is expressly named.

31. *Provisions as to expenses of inquests to extend to city of London.* The provisions of this Act with respect to the expenses of inquests shall apply to the city of London and the borough of Southwark.

32. *Payment of travelling expenses of coroner in Cinque Ports where inquisition is not taken.* When a coroner appointed and acting for the jurisdiction



of the Cinque Ports who is not paid a salary out of the local rate in lieu of allowances deems it necessary to hold and declines to hold an inquest, and shows to the justices in general or quarter sessions assembled that he had nevertheless been compelled in the discharge of his office to travel from his usual place of abode for the purpose of taking that inquest, such justices may order the payment to that coroner of the same allowances for travelling as might be allowed in any other case.

*Savings and Miscellaneous.*

33. *Saving as to borough coroners.* Nothing in this Act shall affect the application to coroners of a borough of the provisions of the Municipal Corporations Act, 1882 [45 & 46 Vict. c. 50], with respect to the appointment, qualification, tenure of office, and payment of a coroner of a borough, and the appointment of a deputy by such coroner.

34. *Saving clause as to official coroners.* Nothing in this Act shall prejudice the jurisdiction of a judge exercising the jurisdiction of a coroner by virtue of his office, and such judge may, notwithstanding the passing of this Act, exercise any jurisdiction, statutable or otherwise, previously exercisable by him, in the same manner as if this Act had not passed.

35. *Saving of jurisdiction as to removal of coroners, or otherwise in relation to a coroner.* Nothing in this Act shall prejudice the jurisdiction of the Lord Chancellor or the High Court of Justice in relation to removing a coroner otherwise than in manner provided by this Act, or in any manner prejudice or affect the jurisdiction of the High Court of Justice or of any judge thereof in relation to or over a coroner or his duties.

36. *Inquest on treasure trove.* A coroner shall continue as heretofore to have jurisdiction to inquire of treasure that is found, who were the finders, and who is suspected thereof, and the provisions of this Act shall, so far as is consistent with the tenor thereof, apply to every such inquest.

37. *Effect of Schedules.* The Schedules to this Act shall be construed and have effect as part of this Act, and the forms given in any of those schedules, or such other forms as the Lord Chancellor from time to time directs, may be used in all matters to which they apply, and when so used shall be sufficient in law.

*Definitions.*

38. *Construction of Act with respect to counties.* In this Act the expression "county," unless there is something inconsistent in the context, does not include a county of a city or a county of a town, but includes any division or liberty of a county which has a separate court of quarter sessions for which a separate coroner has customarily been elected, but the whole of Yorkshire and the whole of Lincolnshire shall respectively be a county for the purposes of this Act.

The counties in Wales, and the counties of Durham and Chester, and the liberty of the Isle of Ely shall, save as is otherwise expressly provided by this Act, be, for the purposes of this Act and any other Act relating to coroners, subject to the same provisions as the other counties of England, and the coroners thereof shall have the same jurisdiction as other coroners in England; and for the purpose of the provisions of any Act with respect to coroners districts, a ward in the county of Durham shall be deemed to be a coroner's district in that county.

39. *Provision for application of Act to county of Lancaster.* This Act and any other Act relating to coroners shall apply to the county of Lancaster in like manner as it applies to the other counties of England, subject as follows:

(1.) The provisions of this Act with respect to the Lord Chancellor shall be construed in the case of the said county to mean the Chancellor of the Duchy and county palatine of Lancaster, and all writs relating to coroners issued by that Chancellor, shall be issued by such persons and in such manner as the Chancellor and the council of the Duchy of Lancaster from time to time direct.

(2.) An Order in Council with respect to coroners districts in the county of Lancaster shall be made on the recommendation of the

Chancellor and council of the Duchy of Lancaster.

40. *Provisions as to detached parts of counties.* (1.) For the purpose of holding coroners inquests every detached part of a county shall be deemed to be within the county by which it is wholly surrounded, or where it is partly surrounded by two or more counties within the county with which it has the longest common boundary.

(2.) The treasurer of every county shall keep an account of all expenses occasioned to such county by an inquest in or in respect to any such detached part of any other county, and shall twice in every year, send a copy of such account to the treasurer of the other county to which such detached part belongs, and the last-mentioned treasurer shall, out of the moneys in his hand as such treasurer, pay to the treasurer sending the account the sum appearing thereby to be due, together with all reasonable charges for making and sending the account.

(3.) Any difference which may arise concerning the said account, if not adjusted by agreement, shall be determined by an arbitrator, who shall be a barrister-at-law nominated on the application of either party by one of the justices of assize of the last preceding circuit or of the next succeeding circuit. Such arbitrator may adjourn the hearing from time to time, and require all such information from either party as appears to him necessary, and his award shall be final. He shall also assess the costs of the arbitration and direct by whom and out of what fund the same shall be paid.

41. *Definition of "local authority" and "local rate."* For the purposes of this Act—

- (a.) The local authority of a county shall be the court of quarter sessions of the county; and
- (b.) The local authority of a borough shall be the mayor, aldermen, and burgesses of the borough acting by the council; and
- (c.) The local rate shall be, in the case of a county, the county rate, or rate in the nature of a county rate, and, in the case of a borough, the borough fund or borough rate; and
- (d.) In Lincolnshire and Yorkshire respectively the justices in gaol sessions shall be the local authority, and the clerk to such justices shall act as clerk of the peace, and the rate in the nature of a county rate levied by those sessions shall be the local rate.

42. *Definitions.* In this Act, if not inconsistent with the context, the following terms and expressions have the meanings herein-after respectively assigned to them:

The expression "quarter sessions" includes general sessions.

The expression "borough" means any place for the time being subject to the Municipal Corporations Act, 1882 [45 & 46 Vict. c. 50], and the Acts amending the same.

The expression "franchise coroner" means any of the following coroners, that is to say, the coroner of the Queen's household, a coroner or deputy coroner for the jurisdiction of the Admiralty, a coroner appointed by Her Majesty the Queen in right of Her Duchy of Lancaster, and a coroner appointed for a town corporate, liberty, lordship, manor, university, or other place, the coroner for which has heretofore been appointed by any lord, or otherwise than by election of the freeholders of a county, or of any part of a county, or by the council of a borough, and the expression "franchise" means the area within which the franchise coroner exercises jurisdiction.

The expression "Secretary of State" means one of Her Majesty's Principal Secretaries of State.

The expression "murder" includes the offence of being an accessory before the fact to a murder.

The expression "parish" means a parish, township, or place for which a separate poor rate is or can be made, or for which a separate overseer is or can be appointed.

The expression "the Lord Chancellor" means the Lord High Chancellor of Great Britain.

The expression "Registration Acts" means the Acts for the time being in force relating to

the registration of deaths, inclusive of any enactment amending the same.

*Temporary Provisions and Repeal.*

43. *Saving as to coroners' salaries and districts.* Nothing in this Act shall affect the law respecting the salaries of coroners for counties, or the division of a county into coroners' districts, or the rights and duties of coroners as respects such districts.

44. *Abolition of certain jurisdictions of the coroners.* A coroner shall not take pleas of the Crown nor hold inquests of royal fish nor of wreck nor of felonies except felonies on inquisitions of death; and he shall not inquire of the goods of such as by the inquest are found guilty of murder or manslaughter, nor cause them to be valued and delivered to the township.

45. *Repeal of Acts in schedule.* The Acts specified in the Third Schedule to this Act are hereby repealed, from and after the passing of this Act, to the extent specified in the third column of that schedule.

*Provided that—*

- (1.) A coroner elected before the passing of this Act, shall continue to hold office in like manner as if he had been elected under this Act, and
- (2.) Any schedules of fees, allowances, and disbursements made by a local authority for a county or borough before the passing of this Act shall, until a schedule is made in pursuance of this Act, be of the same effect as if the schedule had been made in pursuance of this Act, and
- (3.) This repeal shall not affect—
  - (a.) The past operation of any enactment hereby repealed, nor anything duly done or suffered under any enactment hereby repealed; or
  - (b.) Any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment hereby repealed; or
  - (c.) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed; or
  - (d.) Any inquest on any death which occurred before the commencement of this Act or an inquisition found thereon, or any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid; and any such inquest, investigation, legal proceeding, and remedy, and the trial of any such inquisition may be carried on as if this Act had not passed.
- (4.) This repeal shall not revive any jurisdiction, office, duty, fee, franchise liberty, custom, right, title, privilege, restriction, exemption, usage, practice, procedure, or other matter or thing not in force or existing at the passing of this Act.
- (5.) Save in so far as is inconsistent with this Act, any principle or rule of law, or established jurisdiction, practice, or procedure, or existing usage, franchise, liberty, or custom, shall, notwithstanding the repeal of any enactment by this Act, remain in full force.

**SCHEDULES.**

**FIRST SCHEDULE [Sections 14, 37.]**

**RULES FOR ELECTION OF CORONERS.**

- (1.) The sheriff shall hold a court for the election at some convenient place appointed by him within the county, or in a county divided into districts, within the district for which the election is to take place, on such day not less than seven nor more than fourteen days after the receipt of the writ as he appoints.
- (2.) If a poll is demanded the sheriff shall adjourn the court to eight o'clock in the morning of the next day but one, unless such next day but one is Saturday or Sunday, and then of the Monday following.
- (3.) The sheriff with such others as are deputed by him shall then and there proceed to take a poll in some public place or places, which shall be the place appointed for holding the court for the election, or such other places within the same

county or district (as the case may be) as may be from time to time appointed by the quarter sessions, and such poll shall continue for one day only for eight hours, and no poll shall be kept open later than four o'clock in the afternoon.

(4.) The sheriff or sheriff's deputy may, if required by or on behalf of any candidate on or before the day fixed for the election, or if he deem it expedient, cause booths to be erected for taking the poll at the several polling places, and shall cause to be affixed on the most conspicuous part of the booth the names of the parishes to which such booth is allotted.

(5.) Where a booth is allotted to any parish a person shall not be admitted to vote in respect of any property situate in that parish except at that booth.

(6.) Where there is no booth allotted to any parish, a person entitled to vote in respect of property situate therein shall vote at the place at which the court for the election is held.

(7.) The sheriff or such person as he deposes shall appoint such number of clerks as to him may seem meet and convenient for taking the poll, and those clerks shall take the poll in the presence of the sheriff or such person as he deposes, and before they begin to take the poll each clerk shall by the sheriff or such person as he deposes as aforesaid be sworn truly and indifferently to take the poll, and to set down the names of each elector, the place of his residence, and the person for whom he polls, and to poll no elector who is not sworn, if required to be sworn by either of the candidates, which oath the said sheriff or such person as he deposes may administer.

(8.) The sheriff shall appoint for each candidate such one person as is nominated to him by each candidate to be an inspector of every clerk who is appointed for taking the poll.

(9.) Every elector before he is admitted to poll at an election, shall, if required by or on behalf of any candidate, first take the oath following, which the sheriff or any such sworn clerk as aforesaid may administer, that is to say:—I swear [or solemnly declare, *as the case may be*] that I am a freeholder of the county of \_\_\_\_\_, and have a freehold estate consisting of \_\_\_\_\_, lying at \_\_\_\_\_, in the parish of \_\_\_\_\_, within the said county, and that such freehold estate has not been granted to me fraudulently or colourably on purpose to qualify me to give my vote at this election, and that the place of my abode is at \_\_\_\_\_, [and if it be a place consisting of more streets or places than one, specifying what street or place,] that I am twenty-one years of age, as I believe, and that I have not voted before at this election.

(10.) The poll clerks shall at the close of the poll, enclose and seal their several books, and deliver them so enclosed and sealed to the sheriff or sheriff's deputy presiding at the poll, who shall give a receipt for the same.

(11.) Where the deputy receives them, he shall forthwith deliver or transmit them so enclosed and sealed to the sheriff.

(12.) The sheriff shall receive and keep all the poll books unopened until the re-assembling of the court on the day next but one after the close of the poll, unless that day be Sunday, and then on the Monday following, and on that day he shall openly break the seals thereon, and count the votes appearing in the said books, and openly declare the said poll, and make proclamation of the person chosen not later than two o'clock in the afternoon of the said day.

(13.) In these rules the expression "sheriff" includes "under-sheriff."

## SECOND SCHEDULE [SECTIONS 18, 37.]

### FOAMS.

#### [Form of Declaration of Office of Coroner.]

I solemnly, sincerely, and truly declare and affirm that I will well and truly serve our Sovereign Lady the Queen and her liege people in the office of coroner for this county [or borough or as the case may be] of \_\_\_\_\_, and that I will diligently and truly do everything appertaining to my office after the best of my power for the doing of right, and for the good of the inhabitants within the said county [or borough or as the case may be].

#### Form of Oath of Jury.

You shall diligently inquire and a true present-

ment make of all such matters and things as are here given you in charge on behalf of our Sovereign Lady the Queen, touching the death of C.D., now lying dead, of whose body you shall have the view, and shall without fear or favour, affection, or illwill, a true verdict give according to the evidence and to the best of your skill and knowledge. So help you God.

#### FORM OF INQUISITION.

Middlesex } An INQUISITION taken for our Sovereign to wit. } Lady the Queen at \_\_\_\_\_, in the parish of \_\_\_\_\_, in the county [or as the case may be] of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_, [and by adjournment on the \_\_\_\_\_ day of \_\_\_\_\_, or as the case may require] before A.B., one of the coroners of our Lady the Queen for the said [county, or, as the case may be] upon the oath [or and affirmation] of [in the case of murder or manslaughter here insert the names of the jurors L.M., N.O., &c. being] good and lawful men of the said [county or, as the case may be] duly sworn to inquire for our Lady the Queen, on view of the body of C.D. [or of a person to the jurors unknown] as to his death; and those of the said jurors whose names are hereunto subscribed upon their oaths do say:—

Here set out the circumstances of the death, as, for example:—

(a.) That the said C.D. was found dead on the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_, in the county of \_\_\_\_\_, [or set out other place of death] and

(b.) That the cause of his death was that he was thrown by E.F. against the ground, whereby the said C.D. had a violent concussion of the brain and instantly died [or set out other cause of death.]

Here set out the conclusion of the jury as to the death, as, for example:—

(c.) And so do further say, that the said E.F. did feloniously kill [or feloniously, wilfully, and of malice aforethought murder] the said C.D.

Or, do further say that the said E.F. by misfortune and against his will did kill the said C.D.

Or, do further say that E.F. in the defence of himself [and property] did kill the said C.D.

In case of there being an accessory before the fact add:—

And do further say that K.L., before the said murder was committed, did feloniously incite [or procure, aid, counsel, and command, or as the case may be] the said E.F. to commit the said murder.

At and add:—

In witness whereof as well the said coroner as the jurors have hereunto subscribed their hands and seals the day and year first above written.

Another example is:—

That the said C.D., did on the \_\_\_\_\_ day of \_\_\_\_\_ fall into a pond of water situate at \_\_\_\_\_, by means whereof he died.

Here set out the conclusion of the jury as to the death, as for example:—

And so do further say that the said C.D., not being of sound mind, did kill himself.

Or do further say that the said C.D. did feloniously kill himself.

Or do further say that by the neglect of E.F. to fence the said pond C.D. fell therein, and that therefore E.F. did feloniously kill the said C.D.

Or do further say that the said C.D. by misadventure fell into the said pond and was killed.

#### FORM OF RECOGNIZANCE.

to wit. } Be it remembered that \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_, each of the following persons, namely, J.K. of \_\_\_\_\_ and N.S. of \_\_\_\_\_, [insert the names of all bound over], personally came before me, A.B., one of the coroners of our Lady the Queen for the county [or, as the case may be] of \_\_\_\_\_, and acknowledged to owe to our Sovereign Lady the Queen the sum of \_\_\_\_\_ pounds to be levied on his goods and lands by way of recognizance to Her Majesty's use if default is made on his part [or on the part of J.K.] in the conditions following:—

In case of recognizance to appear and give evidence before the coroner, add:—

He shall appear personally at the court of the said coroner to be held on the \_\_\_\_\_ day of \_\_\_\_\_ next, at \_\_\_\_\_ in the said county [or, as the case may be], for holding an inquest on the view of the body of C.D., there to give evidence of anything he knows touching the death of C.D., and shall not depart the said court without leave.

In case of recognizance to prosecute and give evidence at assizes, add:—

He shall appear personally at the next sessions of oyer and terminer or gaol delivery to be holden at \_\_\_\_\_, in and for the county of \_\_\_\_\_, there to prosecute and give evidence to the jury that try E.F. [now in custody for the wilful murder of C.D.], upon the inquisition taken before me, the above-named coroner, on view of the body of C.D., and shall not depart the court without leave.

In case of recognizance to appear for trial:—

He shall appear at the next sessions of oyer and terminer or gaol delivery to be holden in and for the county of \_\_\_\_\_, and there surrender himself into the custody of the keeper of a gaol in which prisoners committed for trial at those sessions are detained, and plead to the inquisition taken before me, the above-named coroner, on view of the body of C.D., whereby a verdict of manslaughter has been found against him, and shall take his trial upon that inquisition, and shall not depart the court without leave.

In every case add at the end:—

Then if the above conditions are fulfilled, this recognizance shall be void, but otherwise shall remain in full force.

## THIRD SCHEDULE.

[This schedule contains a long list of old statutes repealed.]

## CAP. LXXII.

An Act to amend the Law relating to Expenses of Local Authorities. [16th September 1887.]

Be it enacted, &c.:

1. *Short titles.* This Act may be cited as the Local Authorities (Expenses) Act, 1887.

2. *Definitions.* In this Act—The expression "local authority" has the same meaning as in the Local Loans Act, 1875 [38 & 39 Vict. c. 83.]

The expression "district auditor" has the same meaning as in the District Auditors Act, 1879 [42 & 43 Vict. c. 6.]

3. *Limitation on power of district auditor.* Expenses paid by any local authority whose accounts are subject to audit by a district auditor shall not be disallowed by that auditor if they have been sanctioned by the Local Government Board.

## CAP. LXXIII.

An Act to amend the Copyhold Acts, and for the Enfranchisement of Copyhold and Customary Lands. [16th September 1887.]

Whereas it is expedient to make further provision for the enfranchisement of lands of copyhold and customary tenure, and of lands subject to certain customary and other incidents and rights:

Be it therefore enacted, &c.:

1. *Notice to be given by the steward to the tenant.* On the admittance or enrolment of any tenant after the thirty-first day of December one thousand eight hundred and eighty-seven, the steward of the manor shall be bound, without any further charge, to give to the tenant so admitted or enrolled a notice in the form or to the effect following:—

Take notice that, if you desire that the copyhold land which you hold of this manor of \_\_\_\_\_ shall become freehold, you are entitled to enfranchise the same upon paying the lord's compensation and the steward's fees. The lord's compensation may be fixed either by agreement between the lord and you, or by any valuer appointed by yourselves, or through the agency of the Land Commissioners, to whom you may make application, if you think fit, to effect the enfranchisement of your land.

If the steward neglects to serve such notice he



shall not be entitled to any fee for that admission or enrolment.

2. *All may be admitted by attorney.* Every person entitled to admission may hereafter be admitted by himself or by his attorney duly appointed, whether orally or in writing.

3. *Power to agree on compensation or appoint valuer.* Any lord and tenant may at any time agree in writing on the amount of compensation for enfranchisement, or may appoint in writing a valuer or valuers to ascertain such compensation, and the sum so agreed upon or ascertained shall be deemed to be the compensation for enfranchisement lawfully ascertained.

4. *Lord to retain his right in case of escheat.* On any enfranchisement after the passing of this Act the lord of the manor shall continue to be entitled in case of escheat for want of heirs to the same right and interest in the land as he would have had if it had not been enfranchised.

5. *And corresponding abatements to be made from the lord's compensation.* In making valuations for compensation payable to the lord upon an enfranchisement effected after the passing of the Act the valuers shall not take into consideration the value of escheats.

6. *Restraint on the creation of new copyholds.* After the passing of this Act it shall not be lawful for the lord of any manor to make grants of land not previously of copyhold tenure to any person to hold by copy of court roll, or by any tenure of a customary nature, without the previous consent of the Lord Commissioners, who in giving or withholding their consent shall have regard to the same considerations as are to be taken into account by them on giving or withholding their consent to any inclosure of common lands; and whenever any such grant has been lawfully made the land therein comprised shall cease to be of copyhold tenure, and shall be vested in the grantee thereof to hold for the interest granted as in free and common socage.

7. *Lord or tenant may compel extinguishment of all manorial incidents.* Subject to the provisions of the forty-eighth section of the Copyhold Act, 1852, and to the provisions herein-before expressed, any lord or tenant or owner of any land liable to any heriot or to any quitrent, free rent, or other manorial incident whatsoever, may require and compel the extinguishment of such rights or incidents, and the release and enfranchisement of the land subject thereto, and the same proceedings shall thereupon be had as are in the Copyhold Acts mentioned with reference to the enfranchisement of copyhold land, or as near thereto as the nature of the case will admit.

8. *Commissioners to have power to continue conditions of user.* Notwithstanding anything herein contained, it shall be lawful for the Commissioners, if they see fit, in any enfranchisement effected by award, to continue and give effect to any conditions affecting the user of the land subject to which a tenant may have been admitted, and imposed or created for the benefit of the public or of the other tenants of the manor, where, in the opinion of the Commissioners, any especial hardship or injustice would result if the lands were released from such conditions.

*Provisions relating to Compensation, Valuations, the making of Awards, the incidence and redemption of Rentcharges, and the application of Compensation Money.*

9. *Amendment of s. 6 of 21 & 22 Vict. c. 94.* The sixth section of the Copyhold Act, 1858, shall be amended as follows:—Instead of the words "admittance or death" shall be read the words "admittance or enrolment on alienation;" and instead of the final word "heriot" shall be read the word "enrolment."

10. *Amendment of s. 8 of 21 & 22 Vict. c. 94.* Section eight of the Copyhold Act, 1858, shall be read as if the word thirty had been substituted therein for twenty, and subject to the following modifications:—

(a) The lord and tenant in any case may appoint one and the same person as valuer:

(b) Either party may in any case have the valuation made as in cases where the land to be enfranchised is rated to the poor's rate at a greater amount than the net annual value of

thirty pounds, but in that case he shall be liable to pay the additional expense caused by such mode of valuation:

(c.) Where the valuers fail to make a decision, and also fail to refer the matter to the umpire, the umpire shall, if so directed by the Commissioners, act as if he had been duly appointed by the lord and tenant to act as their valuer, and the umpire so acting shall make and deliver his decision to the Commissioners within forty-two days from his being directed by the Commissioners to act as valuer for both parties; and where he has not been so directed, or where having been so directed he fails to deliver his decision within the time aforesaid, the Commissioners shall fix the consideration to be paid:

(d.) The valuers or either of them, if they fail to agree upon the compensation to be paid for the enfranchisement, may refer the whole matter or any point in dispute to the umpire.

11. *As to duties of valuers.* The valuers appointed under the provisions of the Copyhold Acts shall determine the value of the manorial and other rights and incidents, such value to be a gross sum of money, and their decision shall be in such form as the Commissioners may prescribe, and they shall in every case deliver the details of the valuation to the Commissioners, and if it shall appear to the Commissioners that the valuation is imperfect or erroneous, they may remit it for reconsideration or correction; and if the valuers neglect or refuse to amend the same, the Commissioners may, after due notice to the lord and to the tenant, and after fully considering all the circumstances brought before them, determine the value of the manorial and other rights and incidents at such a sum as they may deem just and reasonable.

12. *In case of death, &c., of valuer another to be appointed.* Upon the death, incapacity, or refusal to act, or removal from time to time, of any valuer appointed under the provisions of the Copyhold Acts, another valuer shall, by a time to be fixed by the Commissioners, be appointed in his stead in the manner and by the means by which the valuer whose place he is to fill was appointed; and if no valuer be appointed within the time fixed by the Commissioners, then the appointment shall be made by the Commissioners, and the new valuer for the time being may adopt and act upon any valuation and other matters or proceedings which shall have been completed or agreed upon by the valuer previously acting.

13. *Payment may be made in gross sum.* The tenant may in any case before the completion of any enfranchisement pay the compensation in a gross sum of money, but in case of an enfranchisement by award, he shall, within ten days after the receipt of the draft of the proposed award, give notice in writing to the Commissioners of his desire so to pay.

14. *When compensation to be secured by rentcharge.* Subject to the foregoing provision, and unless the parties otherwise agree, such compensation shall, in the following cases, viz.:

(a.) Where the enfranchisement is effected at the instance of the lord;

(b.) Where the land can, in the opinion of the Commissioners, be sufficiently identified, and the compensation to the lord amounts to more than one year's improved annual value of the land enfranchised,

consist of an annual rentcharge commencing in every case from the date of the notice to enfranchise, and issuing out of the land enfranchised, equivalent to interest at the rate of four pounds per centum per annum upon the amount of compensation ascertained as aforesaid.

15. *Rentcharges to be payable on the 1st January and 1st July in each year.* From and after the first day of January next every rentcharge already created or to be hereafter created under the provisions of the Copyhold Acts shall be payable half-yearly on the first day of January and the first day of July in every year, and a proportionate payment shall be made on the first day of January next in respect of the interval which shall have elapsed since the last preceding day of payment or since the commencement thereof, as the case may be;

and on any enfranchisement taking place after the said first day of January a proportionate payment shall in like manner be made on such one of the said half-yearly days of payment as shall next follow the date of the award or memorandum or deed of enfranchisement.

16. *Recovery and incidence of rentcharge.* Every such rentcharge shall be recoverable by such remedies as are given by section forty-four of the Conveyancing and Law of Property Act, 1881 [44 & 45 Vict. c. 41]. Any occupying tenant who is called upon to pay and does pay any money on account of such rentcharge, which as between him and his landlord he shall not be liable to pay, shall be entitled to recover the same from his landlord or to deduct it from the next rent payable by him.

17. *Rentcharge redeemable by tenant.* Any such rentcharge may be redeemed upon any half-yearly day of payment upon six months previous notice in writing at the option of any person for the time being in actual possession or receipt of the rents and profits of the land subject to the rentcharge, by payment to the person for the time being entitled to receive the rentcharge for twenty-five times the yearly amount of the rentcharge created as aforesaid.

18. *Provision when, after notice for redemption, money is not paid.* After the expiration of a notice for redemption, if the redemption money and all arrears of the rentcharge are not duly paid, the person entitled to the said rentcharge shall have and may exercise over the property charged therewith all the powers and remedies given to a mortgagee in and by the Conveyancing and Law of Property Act, 1881, for the recovery of the redemption money and all arrears, if any, of the said rentcharge.

19. *Rentcharges to rank as if under Copyhold Acts.* Rentcharges created under this Act on enfranchised lands shall, with reference to other charges on and interests in such lands, rank in the same manner as if such rentcharges were created under the Copyhold Acts passed prior to this Act.

20. *Expenses of redemption.* The expenses incurred in redeeming such rentcharges shall be dealt with on the same footing as the expenses incurred in redeeming a mortgage.

21. *Transfer of fee-farm rent or charge from manor to freeholds lands or Government stocks of adequate value.* Where in the course of an enfranchisement under the Copyhold Acts it is found that a manor, or the lord's estate and interest in any land belonging thereto, which may be the subject of enfranchisement is subject to the payment of a fee-farm rent or to any other charge, the Commissioners may, upon the application of the person for the time being bound to make such payment or defray such charge, by order under their seal, direct that the fee-farm rent or charge respectively shall be a charge upon any freehold lands specified in the order, being of adequate value and held under the same title as the said manor or land, or upon an adequate amount of Government stocks or funds to be transferred into Court by the direction of the Commissioners in manner prescribed by the High Court Funds Rules, or into the names of trustees appointed by the Commissioners; and upon the scaling of such order the said manor and land shall be freed and for ever discharged from such payment or charge; and such payment or charge shall be and continue a charge upon the land or funds specified in the order of the Commissioners, and so far as the nature of the case will admit, there shall be and are hereby attached thereto the like remedies for the recovery thereof as against the land or funds subject thereto, as might have been had as against the manor or land belonging thereto in respect of the original charge.

22. *Commissioners may frame award of enfranchisement.* In any case conducted before the Commissioners, when the amount of compensation has been duly ascertained, the Commissioners, having made such inquiries as to them shall seem fit, may frame an award of enfranchisement on the basis of such compensation, and in such form as they shall provide, and may confirm the same, and such confirmed award shall have the same force and validity as an award of enfranchisement under the Copyhold Act, 1838 [21 & 22 Vict. c. 94]. And

where the draft award has been perused by the steward, it shall not be necessary to serve a copy thereof upon the steward, as required by the last proviso to the tenth section of the Copyhold Act, 1853. But a copy of the award, sealed or stamped with the seal of the Commissioners, shall be sent by the Commissioners to the lord, who shall cause the same to be entered on the court rolls of the manor.

23. *Power to charge land enfranchised with compensation money, &c.* It shall be lawful for the owner of any land enfranchised under the Copyhold Acts, although his estate may be only a limited estate, to charge the land enfranchised with the compensation money paid for such enfranchisement, and also with the expenses attending such enfranchisement, or with any part thereof respectively, with interest thereon not exceeding five pounds per centum per annum, or by way of terminable annuity calculated on the same basis. Any and every such charge may be by deed by way of mortgage with, under, and subject to the provisions of the Conveyancing and Law of Property Act, 1881 [44 & 45 Vict. c. 41], and shall be a first charge on the land, and shall have such priority as by the thirty-third section of the Copyhold Act, 1853 [21 & 22 Vict. c. 94], is assigned to the charges there expressed to be first charges; and any moneys already invested or previously secured or charged on such land may be continued on the security of the same, notwithstanding the imposition of the said charges under the Copyhold Acts. Any company now authorised to make advances for works of agricultural improvement to owners of settled and other estates, may, subject and according to the provisions of their respective Acts of Parliament, charters, deeds, or instruments of settlement, make advances to owners of settled and other estates of such sums as may be required for the payment of any consideration or compensation for commutation or enfranchisement under the existing or any future Copyhold Acts, or of any expenses chargeable upon a manor or land under the same Acts or otherwise, and to take for their repayment a charge for the same in accordance with the provisions of their respective Acts of Parliament.

24. *Lord's expenses may be charged on lands or rent-charges.* Any expenses paid by a lord in proceedings under the Copyhold Acts may be charged either on lands settled to the same uses as the manor or on rentcharges arising out of other enfranchisements within the manor, and every such charge shall be by deed by way of mortgage with, under, and subject to the provisions of the Conveyancing and Law of Property Act, 1881.

25. *Receipt for, and disposal of, compensation,—after award, or with consent, of Commissioners.* In every case where land is enfranchised under the award of the Commissioners, or by deed with the consent of the Commissioners, the lord for the time being, although his estate in the manor may be only a limited estate, shall be able to give a complete discharge for money payable to the lord for compensation, so as to relieve the person or persons paying the same from all responsibility for the application thereof, and in such cases the compensation money shall be paid by the recipient in such manner as the Commissioners, having regard to the provisions of the Copyhold Acts, shall direct.

26. *In case of enfranchisement by agreement where compensation under £500.* In cases of enfranchisement by agreement between the parties, or otherwise without reference to the Commissioners, where the compensation money does not exceed five hundred pounds, the lord for the time being shall be able to give such complete discharge, if he makes a declaration in writing stating the particulars of his estate or interest in the manor, and showing himself to be entitled to receive such money for his own use. If he is not actually so entitled he shall be deemed to have received such money as a trustee for the persons who are so entitled. If his declaration is false he shall be liable to the penalties attached to a false statutory declaration.

27. *Steward's compensation after 31st December, 1887.* In every case of enfranchisement by award after the thirty-first day of December one thousand

eight hundred and eighty-seven, the tenant shall pay to the steward the compensation mentioned in the schedule to this Act.

28. *Prior to 1st January, 1888.* In every case of enfranchisement by award prior to the first day of January, one thousand eight hundred and eighty-eight, the expenses of enfranchisement and the steward's compensation shall be dealt with as provided by the Copyhold Acts prior to this Act.

#### *Provisions relating to Procedure and Expenses.*

29. *Amendment of 15 & 16 Vict. c. 51, s. 8.* From and after the passing of this Act the words "in the course of the valuations in any enfranchisement to be effected by an award under the Copyhold Acts" shall be substituted for the words "upon or prior to any admittance or in the course of such valuations" in section eight of the Copyhold Act, 1852.

30. *Commissioners to publish a scale of compensation.* The Land Commissioners shall frame and cause to be printed and published such a scale of compensation for the enfranchisement of land from the manorial and other rights and incidents specified or referred to in the Copyhold Acts, including heriots, as in their judgment will be fair and just and will facilitate enfranchisement, and such scale shall contain all such directions for the guidance of lord, tenant, and valuers as the Commissioners may deem necessary. The said Commissioners shall also print and publish a scale of allowance to valuers for services to be performed in the execution of the Copyhold Acts. The Commissioners may from time to time vary any such scales, which are to be for guidance only, and not to be binding as a matter of law in any particular case, but the party requiring enfranchisement shall state to the other party whether or no he is willing to adopt the scale.

31. *In case of death proceedings not to abate.* If pending any proceedings commenced after the passing of this Act for enfranchisement under the Copyhold Acts the lord or tenant shall die, there shall be no abatement of the proceedings; any fresh admittance or enrolment consequent on such death and pending such proceedings shall be made without the payment of any fine, relief, or heriot to the lord; and the enfranchisement shall be proceeded with and the compensation shall be ascertained on the same footing as if the enfranchisement had been effected immediately after the commencement of proceedings.

32. *Declaration to be made by lord or steward.* Previously to any enfranchisement by award or deed under the Copyhold Acts the Commissioners, if they see fit, may require the lord or steward of any manor to make a declaration in such form as they shall direct, stating who are the persons for the time being filling the character of or acting in the capacity of lord, and it shall be lawful for the Commissioners to accept such declaration for the purposes of the Copyhold Acts; but if the Commissioners shall consider that such evidence does not fully and truly disclose all such particulars as are necessary, or if no such declaration shall be made, or if the lord shall refuse or decline to give such evidence as they shall deem proper and necessary to show a satisfactory prima facie title in the lord, then, if they think the justice of the case requires it, they may direct that the compensation for enfranchisement, when a gross sum of money, shall be paid into court in the manner prescribed by the High Court Funds Rules.

33. *Steward as a general rule to represent the lord.* Any lord may act on his own behalf, or may appoint as agent other than his steward to act for him; but unless and until he has given written notice to the tenant and the Commissioners respectively that he intends to act for himself, or that he has appointed the person specified in the notice to act for him, the tenant and the Commissioners respectively may treat his steward as his agent for receipt of notices, making of agreements, and all other matters relating to enfranchisement, and in all matters of procedure the steward shall be deemed to represent the lord; except that no steward shall, without special authority, have power to consent on behalf of the lord to dealings with the rights comprised in section forty-eight of the Copyhold Act, 1852 [15 & 16 Vict. c. 51], as herein amended.

34. *Award may be withheld until payment of fees.* The Commissioners shall have power to require the payment of all office fees and other expenses of the Commissioners as aforesaid, from either lord or tenant requesting any award, deed, or order, before delivery of the same.

35. *General provisions as to expenses.* Whenever money is hereby declared to be payable by any person on account of the expenses of proceedings under the Copyhold Acts—

(a.) The amount may be recovered as a debt due from the party liable to pay to the party entitled to receive, as well as by any other remedy given in any special case:

(b.) If it be payable by the lord to the tenant, or by the owner of a rentcharge to the owner of the property charged therewith, the amount may be set off against any money which at the time is receivable by the lord from the tenant, or by the owner of the rentcharge from the owner of the property charged:

(c.) If there is dispute as to the amount of such expenses, the Commissioners may ascertain it, and may declare it by order which shall be binding on all parties concerned.

36. *Notices.* Any notice required or authorised by the Copyhold Acts to be given to any person may be in writing or print, or partly in writing and partly in print, and shall be sufficiently given if delivered to such person himself or left at the usual or last known place of abode or business in the United Kingdom of such person. Any such notice shall also be sufficiently given if it is sent by post in a registered letter addressed to the person to be affected thereby by name at the aforesaid place of abode or business, and if that letter is not returned through the Post office undelivered, service or delivery shall be deemed to be made at the time at which the registered letter would in the ordinary course be delivered. Where a notice is required or authorised to be given to the tenant of any premises it may be given by delivering the same, or a true copy thereof, to some person on the premises, or, if there is no person on the premises to whom the same can be delivered with reasonable diligence, by fixing the notice on some conspicuous part of the premises.

37. *Pending proceedings to be carried out under former Acts.* All proceedings for enfranchisement or redemption already commenced under the Copyhold Acts prior to this Act shall be carried out under those Acts as if this Act had not passed.

#### *General and Miscellaneous Provisions.*

38. *Succession of rights and liabilities.* All rights by this Act conferred and all liabilities imposed upon a lord or tenant shall be held to be conferred or imposed upon the successors in title of such lord or tenant unless a contrary intention appears.

39. *Provision for cases of trustees, infants, lunatics, and married women.* Anything by the Copyhold Acts required or authorised to be done by the lord of a manor, or the tenant or owner of any land or right, may be done by such lord or tenant or owner, notwithstanding that he may be a trustee for any person, or that his estate in such manor or land be only a limited estate; and the guardian of an infant lord, tenant, or owner, and the committee of the estate of a lunatic lord, tenant, or owner, shall have full power to do on his behalf anything by the said Acts required or authorised to be done by such infant or lunatic; and a married woman, being lady of the manor, or tenant of any land or right of copyhold or customary tenure, shall for the purposes of the said Acts be deemed to be a feme sole.

40. *Where one or more trustees shall be abroad or shall be incapable or refuse to act the trustees may act.* When either the lords or the tenants are trustees, and one or more of such trustees shall be abroad or shall be incapable or refuse to act, any proceedings necessary to be done by such trustees for effecting any enfranchisement under the Copyhold Acts may be done by the other trustee or trustees, as the case may be.

41. *Provision for lands in lease.* The provisions of the forty-fourth section of the Copyhold Act, 1852, with reference to lands subject to lease, shall be deemed to apply not only to leases and



demises at will, but also to leases and demises for any greater interest, and they shall be applicable to all lands enfranchised under the Copyhold Acts.

42. *Boundaries.* In all cases of lands enfranchised under the Copyhold Acts the following rules shall apply as between the lord and the tenant:—

- (a.) Where the identity of any lands cannot be ascertained to the satisfaction of the valuers, such lands shall be taken at the quantities mentioned in the court books or rolls of the manor, if such quantities are therein stated to be in statute measure, and as to any lands the quantities of which are not so specified, the same shall be taken at such quantities as such valuers may determine:
- (b.) Where the lands are not defined by a plan upon the court rolls, the valuers shall, if requested in writing so to do either by the lord or tenant, define the boundaries or limits of the lands by a plan; such plan when accepted by the Commissioners to be conclusive:
- (c.) When valuers have been appointed it shall be lawful for any lord or tenant, in case of any doubt or difference of opinion as to the identity of any lands, to apply to the Commissioners to define the boundaries thereof for the purpose of any enfranchisement, and the Commissioners shall proceed in such manner as they shall see fit to ascertain and define such boundaries; and such definition of boundaries, when made by the Commissioners, shall be final and conclusive.
- (d.) Except by agreement between the lord and the tenant, no such plan shall be undertaken in any case where it shall appear by the court rolls or otherwise that the boundaries of the lands proposed to be enfranchised have been for more than fifty years last past treated as being intermixed with the boundaries of other lands and as being incapable of definition.

43. *Power to refer questions of compensation to Commissioners.* Notwithstanding the provisions of the Copyhold Acts, the lord and tenant may at any time after notice of enfranchisement shall have been delivered agree in writing that the Commissioners shall determine the compensation to be paid for enfranchisement. And the Commissioners shall, upon receipt of such agreement, take such proceedings and make such inquiries as they may deem necessary to determine such compensation, taking into consideration all such matters as valuers appointed under the Copyhold Acts are bound to take into consideration in making a valuation; and having determined such compensation, the Commissioners shall communicate the result in writing to the lord and tenant, and shall fix a time within which any objection to such determination may be signified to them in writing by the lord or tenant, and forthwith after the period fixed for such objections to be signified shall have expired if there be none, or if there be any then forthwith after the Commissioners shall have considered and disposed of such objections and made such alterations, if any, as they shall see fit, they shall make their award of enfranchisement in like manner as if the compensation had been ascertained by valuers under the Copyhold Acts.

44. *Commissioners may correct errors in awards or other instruments.* It shall be lawful for the Commissioners, if they see fit, on the application of any person interested, at any time to correct and supply any error or omission arising from inadvertence in any award of enfranchisement, deed of enfranchisement, or charge, already made or issued, or to be made and issued by them, or any other instrument authorised by the said Acts to be made or issued by the Commissioners, after such notice to the parties interested as the Commissioners shall deem proper, and all expenses incident thereto shall be paid by the parties, or either of them, if and as the Commissioners direct.

45. *Trust copyholds of inheritance not to descend to heirs real.* The third section of the Conveyancing and Law of Property Act, 1881, shall not apply to land of copyhold or customary tenure vested in the tenant on the court rolls of any manor upon any trust or by way of mortgage.

46. *Provision for case of joint lords under section 4 of 23 & 24 Vict. c. 59.* In every case where, under the fourth section of the Universities and College Estates Act Extension, 1860, any university or college and any person shall jointly constitute "the lord" of the manor, then any rentcharge to be created under the Copyhold Acts on the enfranchisement of land held of such manor shall be in favour of, and the power to give receipts hereinafore conferred for compensation or redemption money shall be exercisable by, the person who at the date of the enfranchisement shall be entitled in possession to the profits of the manor or to the receipt of such rentcharge, and the executors and administrators of such person, but without prejudice to any question as to the further disposal of the moneys secured by such charge.

47. *Provisions for cases where derivative interests are entered upon the rolls.* The following provisions shall apply to every manor in which the fines are certain, and in which it is the practice for copyholders in fee to grant derivative interests to persons who are admitted as copyholders of the manor in respect of such interests.

- (a.) The tenant for the purposes of the Copyhold Acts shall be the person who is admitted or enrolled in respect of the inheritance, and who is in this section called the tenant-in-fee:
- (b.) The enfranchisement of the land to such tenant shall enure for the benefit of himself and every other person having any customary estate or interest subsisting in the same land, without any further enfranchisement, and all such persons shall be entitled to estates and interests in the land enfranchised corresponding with their customary estates and interests existing at the date of the enfranchisement:
- (c.) All rentcharges payable in respect of such enfranchisement, and all sums of money payable by the tenant in fee for compensation or the expenses of enfranchisement, and the interest thereon, shall, if the parties have not otherwise agreed, be borne and paid by the several persons for whose benefit the enfranchisement enures in proportion to their respective interests in the enfranchised land:
- (d.) If any dispute arises respecting the due apportionment of such charges, the Commissioners may, on the application of any party interested, and after due inquiry, make an order apportioning the same. Such order shall be binding on all parties concerned, and the expenses of and incident to it shall be paid by the parties or any of them as the Commissioners direct:

- (e.)—
  - (1.) On the request of the lord, or of one fourth in number of the copyholders for the time being on the court roll of any such manor, and upon such provision for expenses being made as the Commissioners may require, the Commissioners may make a local inquiry for the purpose of ascertaining whether the copyholders of such manor desire that enfranchisement shall be effected throughout the manor:
  - (2.) If the Commissioners find that not less than two thirds in number of such copyholders desire such enfranchisement, they shall by order declare that all copyhold tenements of the manor are to be enfranchised; and thereupon they shall proceed to ascertain the amount of compensation due to the lord upon the enfranchisement of each tenement held by a tenant-in-fee, and to effect such enfranchisements accordingly as between the lord and the tenants-in-fee. The compensation in every case shall consist of a gross sum of money, unless the lord and tenant-in-fee otherwise agree:
  - (3.) Upon the making of the declaration above mentioned, all the tenants-in-fee of the manor shall be liable to contribute rateably to the expenses of the local inquiry according to the amount of compensation payable by them respectively. The tenant-in-fee and all copyholders holding derivative interests in the same tenement shall be liable to contribute rateably, according to the value of their respective interests, to

the compensation, and to all such expenses attending the enfranchisement as are payable on the part of tenants, including the contribution assessed on tenants-in-fee as last aforesaid:

- (4.) The Commissioners shall have power to apportion such contributions between the several tenants of each enfranchised tenement, and also between the several tenants-in-fee, and to make orders for the payment of such contributions and expenses by the persons from whom they are due. Such orders shall be conclusive upon all persons hereby declared liable to contribute:
- (5.) Without the consent of the tenant-in-fee the Commissioners shall make no award for the enfranchisement of any tenement, unless and until they have apportioned the contributions between such tenant-in-fee and the tenants holding derivative interests in the same tenement, and have made orders for payment of the same, or otherwise have satisfied themselves that the tenant-in-fee has full security for the amounts which the tenants of derivative interests are to contribute.

48. *Custody of court rolls.* When and so soon as all the lands held of or parcel of any manor shall be enfranchised the lord or, with the consent of the lord, any other person having custody of the court rolls, court books, and records of such manor may, if he thinks fit, give up and hand over to the Master of the Rolls all or any of such court rolls, court books, and records, and the Master of the Rolls shall have power to receive and to undertake the custody thereof, and in case the Commissioners shall have obtained the custody of any such court rolls, court books, or records under the Copyhold Act, 1852, or otherwise under the Copyhold Acts, they shall have power to give all or any of them up to the Master of the Rolls, who shall have power to take and keep the same in manner aforesaid; and from thenceforth all persons seized of or interested in any such lands shall have access to and may inspect such court rolls, court books, and records handed over as aforesaid, and may inspect the same and obtain office copies of certified extracts therefrom on the payment of such reasonable fees as shall be fixed from time to time under the authority of the Master of the Rolls.

Provided always, that the Master of the Rolls shall have power from time to time to make, and when made revoke, add to, and vary rules respecting the manner in which and the time at which the access to and inspection of such court rolls, court books, and records handed over as aforesaid, shall be had and made, and such office copies and certified extracts shall be obtained, and as to the amount and mode of payment of reasonable fees for or in respect of such office copies and certified extracts as aforesaid.

Provided further, that every such rule shall be laid before both Houses of Parliament within six weeks after it is made, or after the next meeting of Parliament.

49. *Interpretation of terms.* In this Act and the Copyhold Acts, unless where the context shows that the words herein-after mentioned are used in a different sense, they shall be understood in manner herein-after mentioned, that is to say, the expression "the Commissioners" shall mean the Land Commissioners for England; the expression "the Copyholds Act" shall extend to and include this Act; the word "lord" shall be interpreted as the same is interpreted in the Copyhold Act of 1841; the word "tenant" shall comprise all persons holding lands subject to any manorial right or incident; the word "rent" shall include all payments or renders in money, produce, kind, or labour, due or payable in respect of any land holden of or parcel of any manor; the word "owner" shall include every person entitled to hereditaments for any term of years originally granted for ninety-nine years or upwards, or for some greater estate; the words "admitting or enrolling," "admittance or enrolment," "admit or enrol" shall include an express admittance or enrolment of a tenant and every licence of any assurance, and every ceremony, act, and assent whereby the tenancy or holding of any such tenant is perfected; and generally words interpreted in

the earlier Copyhold Acts shall receive the same interpretation in this Act save where a contrary intention appears.

50. *Act to be part of Copyhold Acts.* This Act shall be taken and construed as part of the Copyhold Acts, and may be cited either generally under the term the Copyhold Acts, or specifically as the Copyhold Act, 1887, and throughout this Act the expression "Copyhold Acts" shall include this Act.

51. *Repeal.* The following portions of the Copyhold Acts are hereby repealed: that is to say, The twelfth section of the Copyhold Act, 1843; The fourth, seventh, ninth, and twenty-fourth sections of the Copyhold Act, 1852; The seventh section of the Copyhold Act, 1858.

#### SCHEDULE.

##### Scale of Steward's Compensation.

When the consideration for the enfranchisement does not exceed £1—five shillings. When the same exceeds £1, but does not exceed £5—ten shillings. When the same exceeds £5, but does not exceed £10—one pound. When the same exceeds £10, but does not exceed £15—two pounds. When the same exceeds £15, but does not exceed £20—three pounds. When the compensation exceeds £20, but does not exceed £25—four pounds. When the same exceeds £25, but does not exceed £50—six pounds. When the same exceeds £50, but does not exceed £100—seven pounds. And also on every additional £50, or fractional part of £50 over and above the first £100

—ten shillings. The above compensation is exclusive of stamps and paper or parchment or map or plan, which are to be paid for by the tenant.

#### \* CAP. LVIII.

An Act to consolidate with amendments the Coal Mines Acts, 1872 and 1886, and the Stratified Ironstone Mines (Gunpowder) Act, 1881. [16th September 1887.]

#### CAP. LIX.

An Act for further promoting the Revision of the Statute Law by repealing Enactments which have ceased to be in force or have become unnecessary. [16th September 1887.]

\* [By a printer's error these two statutes were omitted to be mentioned in the proper place.]

ALLOT  
Allo  
48.  
ALLOT  
PEN  
ation  
Cott  
at th

APPEL  
App  
Vict.

APPRO  
sum  
Fanc  
the  
appr  
Sessi

ARMY  
mont  
the A

BANK  
amer  
Bank  
proc

BRITISH  
to p  
Poss

CHARIT  
Trust  
137,  
the C  
Wale  
those

COAL  
with  
and  
Vict.  
Mine  
Vict.

CONSON  
No

the  
year  
and  
No

the C  
year  
Ch.

the  
year  
and  
this

CONVE  
facil  
per C  
latin



# INDEX TO STATUTES.

50 & 51 VICTORIA.—A.D. 1886-87.

- ALLOTMENTS:** to facilitate the Provision of Allotments for the Labouring Classes. Ch. 48. p. 21.
- ALLOTMENTS AND COTTAGE GARDENS COMPENSATION FOR CROPS:** to provide Compensation to the Occupiers of Allotments and Cottage Gardens for Crops left in the ground at the end of their tenancies. Ch. 26. p. 9.
- APPELLATE JURISDICTION:** to amend the Appellate Jurisdiction Act, 1876 (39 & 40 Vict. c. 59). Ch. 70. p. 34.
- APPROPRIATION OF SUPPLIES:** to apply the sum of £61,247,744 out of the Consolidated Fund to the service of the year ending on the 31st day of March, 1888, and to appropriate the Supplies granted in this Session of Parliament. Ch. 50.
- ARMY (ANNUAL):** to provide, during twelve months, for the Discipline and Regulation of the Army. Ch. 2.
- BANKRUPTCY (DISCHARGE AND CLOSURE):** to amend the Law relating to the Discharge of Bankrupts and the Closure of Bankruptcy proceedings. Ch. 66. p. 33.
- BRITISH SETTLEMENTS:** to enable Her Majesty to provide for the Government of Her Possessions acquired by Settlement. Ch. 54.
- CHARITABLE TRUSTS:** To amend the Charitable Trusts Acts, 1853 to 1869 (16 & 17 Vict. c. 137, &c.), so far as respects the officers of the Charity Commissioners for England and Wales and the Official Trustees acting under those Commissioners. Ch. 49. p. 24.
- COAL MINES REGULATION:** to consolidate, with amendments, the Coal Mines Acts, 1872 and 1886 (35 & 36 Vict. c. 76 and 49 & 50 Vict. c. 40), and the Stratified Ironstone Mines (Gunpowder) Act, 1881 (44 & 45 Vict. c. 26). Ch. 58.
- CONSOLIDATED FUND:**  
No. 1:  
— to apply the sum of £13,329,876 out of the Consolidated Fund to the service of the years ending on the 31st day of March, 1887 and 1888. Ch. 1.  
No. 2:  
— to apply the sum of £13,675,659 out of the Consolidated Fund to the service of the year ending on the 31st day of March, 1888. Ch. 14.  
— to apply the sum of £61,247,744 out of the Consolidated Fund to the service of the year ending on the 31st day of March, 1888, and to appropriate the Supplies granted in this Session of Parliament. Ch. 50.
- CONVERSION OF INDIA STOCK:** for giving facilities for the conversion of India Four per Cent. Stock into India Three and a half per Cent. Stock, and for other purposes relating thereto. Ch. 11. p. 5.
- CONVEYANCING (SCOTLAND):** to amend the Conveyancing (Scotland) Act, 1874 (37 & 38 Vict. c. 94), and the Conveyancing (Scotland) Act (1874) Amendment Act, 1879 (42 & 43 Vict. c. 40). Ch. 60.
- COPYHOLD:** to amend the Copyhold Acts, and for the Enfranchisement of Copyhold and Customary Lands. Ch. 73. p. 38.
- CORONERS:** to consolidate the Law relating to Coroners. Ch. 71. p. 34.
- COUNTY COURTS (EXPENSES):** to amend the Acts relating to County Courts, so far as regards the payment of certain expenses connected with County Courts. Ch. 3. p. 3.
- CRIMINAL LAW AND PROCEDURE (IRELAND):** to make better provision for the prevention and punishment of Crime in Ireland, and for other purposes relating thereto. Ch. 20.
- CRIMINAL PROCEDURE (SCOTLAND):** to simplify and amend the Criminal Law of Scotland and its Procedure, and to alter the Constitution of the Judiciary and Sheriff Courts in Scotland. Ch. 35.
- CROFTERS HOLDINGS (SCOTLAND):** to amend the Crofters Holdings (Scotland) Act, 1886 (49 & 50 Vict. c. 29). Ch. 24.
- CUSTOMS AND INLAND REVENUE:** to grant certain Duties of Customs and Inland Revenue, to alter other duties, and to amend the laws relating to Inland Revenue. Ch. 15. p. 6.
- CUSTOMS CONSOLIDATION ACT, 1876, AMENDMENT:** to amend the Customs Consolidation Act, 1876 (39 & 40 Vict. c. 36). Ch. 7. p. 4.
- DEEDS OF ARRANGEMENT:** to provide for the Registration of Deeds of Arrangement. Ch. 57. p. 31.
- DUKE OF CONNAUGHT'S LEAVE:** to enable His Royal Highness the Duke of Connaught to return to England for a limited time for the purpose of being present at the celebration of Her Majesty's Jubilee without thereby resigning his command in Bombay. Ch. 10.
- ESCHEAT (PROCEDURE):** for repealing certain Enactments relating to Escheators and the Procedure in cases of Escheat; and for regulating the Procedure in such cases. Ch. 53. p. 25.
- EXPIRING LAWS CONTINUANCE:** to continue various expiring Laws. Ch. 63.
- FRIENDLY SOCIETIES:** to amend the Friendly Societies Act, 1875 (38 & 39 Vict. c. 60). Ch. 56. p. 29.
- INCUMBENTS OF BENEFICES LOANS EXTENSION ACT, 1886, AMENDMENT:** to amend the Incumbents of Benefices Loans Extension Act, 1886 (49 & 50 Vict. c. 34). Ch. 8. p. 4.
- INCUMBENTS RESIGNATION:** to amend the Incumbents Resignation Act, 1871 (34 & 35 Vict. c. 44). Ch. 23. p. 9.
- ISLE OF MAN:** to amend the Law respecting the Customs Duties of the Isle of Man. Ch. 5.
- LAND LAW (IRELAND):** to amend the Land Law (Ireland) Act, 1881 (44 & 45 Vict. c. 49), and the Purchase of Land (Ireland) Act, 1885 (48 & 49 Vict. c. 73), and for other purposes connected therewith. Ch. 33.
- LIEUTENANCY CLERKS ALLOWANCES:** for amending the Allowances payable to Clerks of General Meetings of Lieutenancy. Ch. 36. p. 15.
- LOCAL AUTHORITIES (EXPENSES):** to amend the Law relating to Expenses of Local Authorities. Ch. 72. p. 38.
- LOCAL GOVERNMENT (BOUNDARIES):** for appointing Commissioners to inquire and report as to the Boundaries of certain Areas of Local Government in England. Ch. 61. p. 32.
- LONDON PARKS AND WORKS:** for the transfer to the Metropolitan Board of Works and the maintenance of certain Public Parks and Works in the Metropolis. Ch. 34. p. 15.
- LUNACY DISTRICTS (SCOTLAND):** to make provision for altering and varying Lunacy Districts in Scotland. Ch. 39.
- MARGARINE:** for the better Prevention of the Fraudulent Sale of Margarine. Ch. 29. p. 13.
- MARKETS AND FAIRS (WEIGHING OF CATTLE):** to amend the Law with respect to weighing Cattle in Markets and Fairs. Ch. 27. p. 10.
- MERCHANDISE MARKS:** to consolidate and amend the Law relating to Fraudulent Marks on Merchandise. Ch. 23. p. 11.
- MERCHANT SHIPPING (FISHING BOATS):** to amend the provisions of the Merchant Shipping (Fishing Boats) Acts. Ch. 4. p. 3.
- MERCHANT SHIPPING (MISCELLANEOUS):** to amend in certain minor particulars some of the Enactments relating to Merchant Shipping and Seamen. Ch. 62. p. 32.
- METROPOLIS MANAGEMENT (BATTERSEA AND WESTMINSTER):** to amend the Metropolis Management Acts (18 & 19 Vict. c. 120, &c.). Ch. 17. p. 7.
- METROPOLITAN BOARD OF WORKS:** further to amend the Acts relating to the raising of Money by the Metropolitan Board of Works; and for other purposes. Ch. 31. p. 13.
- METROPOLITAN POLICE:** for further amending the Enactments relating to Offices, Stations, and Buildings for the Metropolitan Police Force. Ch. 45.
- MILITARY TRAMWAYS:** to facilitate the construction of Tramways by Her Majesty's Principal Secretary of State for the War Department, and for other purposes connected therewith. Ch. 65.

**NATIONAL DEBT AND LOCAL LOANS:** to amend the Law respecting the National Debt and the charge thereof on the Consolidated Fund, and to make further provision respecting Local Loans. Ch. 16.

**OPEN SPACES:** for extending certain provisions of the Metropolitan Open Spaces Acts, 1877 and 1881 (40 & 41 Vict. c. 35, and 44 & 45 Vict. c. 34), with Amendments, to Sanitary Districts throughout England, Wales, and Ireland; and for other purposes. Ch. 32. p. 14.

**PENSIONS (COLONIAL SERVICE):** to extend, in certain cases, the provisions of the Superannuation Act, 1859 (22 Vict. c. 26), and to extend and otherwise amend the provisions of the Colonial Governors (Pensions) Acts, 1865 and 1872 (28 & 29 Vict. c. 113, and 35 & 36 Vict. c. 29). Ch. 13. p. 5.

**PLURALITIES:** to explain section twenty-six of the Pluralities Act, 1838 (1 & 2 Vict. c. 106). Ch. 68.

**POLICE DISABILITIES REMOVAL:** to remove the Disabilities of the Police to vote at Parliamentary Elections. Ch. 9. p. 4.

**PRISONS (OFFICERS' SUPERANNUATION, SCOTLAND):** to amend the Prison (Officers' Superannuation) Act, 1878 (41 & 42 Vict. c. 63), as to Scotland. Ch. 60.

**PROBATION OF FIRST OFFENDERS:** to permit the conditional Release of First Offenders in certain cases. Ch. 25. p. 9.

**PUBLIC-HOUSES, HOURS OF CLOSING (SCOTLAND):** to provide for the earlier closing of premises licensed for the sale of Exciseable Liquors in Scotland. Ch. 38.

**PUBLIC LIBRARIES ACTS AMENDMENT:** to amend the Public Libraries Acts (18 & 19 Vict. c. 70, &c.). Ch. 22. p. 8.

**PUBLIC LIBRARIES CONSOLIDATION (SCOTLAND):** to amend and consolidate the Public Libraries (Scotland) Acts (30 & 31 Vict. c. 37, &c.). Ch. 42.

**PUBLIC WORKS LOANS:** to grant money for the purpose of certain Local Loans; and for other purposes relating to Local Loans. Ch. 37.

**QUARRIES (FENCING):** to provide for the Fencing of Quarries. Ch. 19. p. 8.

**SAVINGS BANKS:** to amend the Acts relating to Savings Banks and to the Purchase of Small Government Annuities, and to assuring Payments of Money after Death. Ch. 40. p. 15.

**SECRETARY FOR SCOTLAND:** to amend the Secretary for Scotland Act, 1885 (48 & 49 Vict. c. 61). Ch. 52.

**SETTLED LAND ACTS (AMENDMENT):** to amend the Settled Land Act, 1882 (45 & 46 Vict. c. 38). Ch. 30. p. 13.

**SHERIFF OF LANARKSHIRE:** to remove doubts as to the appointment of the Sheriff of Lanarkshire, and to confirm the same. Ch. 41.

**SHERIFFS:** to consolidate the Law relating to the office of Sheriff in England, and to repeal certain enactments relating to Sheriffs which have ceased to be in force or have become unnecessary. Ch. 55. p. 26.

**STANNARIES:** to amend the Stannaries Act, 1869 (32 & 33 Vict. c. 19), and for other purposes relating thereto. Ch. 43. p. 17.

**STATUTE LAW REVISION:** for further promoting the Revision of the Statute Law by repealing Enactments which have ceased to be in force or have become unnecessary. Ch. 59.

**SUPERANNUATION:** to amend the Superannuation Acts, 1834 and 1859 (4 & 5 Will. 4, c. 24 and 22 Vict. c. 26); and for other purposes. Ch. 67.

**SUPREME COURT OF JUDICATURE (IRELAND):** to amend the Supreme Court of Judicature Act (Ireland), 1877 (40 & 41 Vict. c. 57). Ch. 6.

**TECHNICAL SCHOOLS (SCOTLAND):** to facilitate the Establishment of Technical Schools in Scotland. Ch. 64.

**TRINIDAD AND TOBAGO:** to enable Her Majesty by Order in Council to unite the Colonies of Trinidad and Tobago into one Colony. Ch. 44.

**TRUCK:** to amend and extend the Law relating to Truck. Ch. 46. p. 20.

**TRURO BISHOPRIC AND CHAPTER:** to amend the Bishopric of Truro Act, 1876 (39 & 40 Vict. c. 54), and the Truro Chapter Act, 1878 (41 & 42 Vict. c. 44). Ch. 12.

**TRUSTEE SAVINGS BANKS:** to provide for examination into the affairs of Trustee Savings Banks, and to remove doubts as to the Law relating to the winding up of such Banks. Ch. 47. p. 21.

**TRUSTS (SCOTLAND):** to amend the Trusts (Scotland) Act, 1867 (30 & 31 Vict. c. 97). Ch. 18.

**VALUATION OF LANDS (SCOTLAND):** to amend the Valuation of Lands (Scotland) Amendment Act, 1867 (30 & 31 Vict. c. 80). Ch. 51.

**WATER COMPANIES (REGULATION OF POWERS):** to limit the Powers of the Water Companies to cut off the Tenants Water Supply where the rate is paid by the landlord. Ch. 21. p. 8.



WERS)  
panies t  
ere th  
p. 8.

WERS)  
panies t  
ere th  
p. 8.

08-235 . . . 300

1-2141



